



House of Representatives

General Assembly

File No. 644

January Session, 2003

Substitute House Bill No. 6404

House of Representatives, May 6, 2003

The Committee on Finance, Revenue and Bonding reported through REP. STILLMAN of the 38th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF TRANSPORTATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) The segment of Route 40 in
2 Hamden running in a generally northerly direction from the North
3 Haven/Hamden town line to the junction of Route 10 in Hamden shall
4 be designated as the "Edward Armeno Memorial Highway".

5 Sec. 2. (*Effective from passage*) Route 796 in Milford, currently known
6 as the "Milford Parkway Connector" shall be redesignated the "Daniel
7 S. Wasson Connector".

8 Sec. 3. (*Effective from passage*) The segment of Route 142 in Branford
9 eastbound and westbound from the junction of Route 1 to Double
10 Beach Road shall be designated as the "William E. Keish, Jr. Memorial
11 Highway".

12 Sec. 4. (*Effective from passage*) Bridge number 007773, commonly

13 known as the West Rock Tunnel in New Haven shall be designated the
14 "Hero's Tunnel".

15 Sec. 5. (*Effective from passage*) The bridge over the Saugatuck River in
16 Westport shall be designated as the "Ruth Steinkraus Cohen Memorial
17 Bridge".

18 Sec. 6. (*Effective from passage*) Footbridge Number 827OR located in
19 Seymour, crossing the railroad tracks, shall be designated as "Kisson's
20 Crossing".

21 Sec. 7. (*Effective from passage*) A segment of Route 349 in Groton shall
22 be redesignated as the "William J. Snyder, Sr. Memorial Highway".

23 Sec. 8. (*Effective from passage*) The segment of Route 101 between the
24 towns of Abington and East Killingly shall be designated as the "Leif
25 Erickson Highway".

26 Sec. 9. (*Effective from passage*) A segment of Route 15 through Derby,
27 Ansonia and Seymour shall be designated as the "Veteran's Memorial
28 Highway".

29 Sec. 10. (*Effective from passage*) Bridge number 1751, passing over
30 Quaker Lane and Trout Brook on Interstate 84 eastbound in West
31 Hartford, shall be designated "The 76th Division Memorial Bridge".

32 Sec. 11. (*Effective from passage*) A segment of Route 174 in
33 Newington, running in an easterly direction from Route 173 east to
34 Route 176, shall be designated the "Francis Kochanowicz Memorial
35 Highway".

36 Sec. 12. (*Effective from passage*) A segment of Route 173 in West
37 Hartford, running in a northerly direction from the Newington-West
38 Hartford town line to the junction of SR 529, shall be designated the
39 "Roger Fissette Hannon-Hatch VFW Post 9929 Memorial Highway".

40 Sec. 13. (*Effective from passage*) Bridge number 00233, on Route 166
41 passing over Interstate 95 in Old Saybrook, shall be designated the

42 "Rosario J. Aloisio Memorial Bridge".

43 Sec. 14. (*Effective from passage*) A segment of Route 69 from
44 Washington Street to East Street in Waterbury, shall be designated the
45 "Officer Walter T. Williams III Memorial Highway".

46 Sec. 15. (*Effective from passage*) A segment of Route 69 from East
47 Main Street to SR 844 in Waterbury, shall be designated the "Officer
48 Bruce Hanley Memorial Highway".

49 Sec. 16. (*Effective from passage*) A segment of Route 314 from SR 543
50 to Jordan Lane in Wethersfield, shall be designated the "Antranig
51 Ozanian Memorial Highway".

52 Sec. 17. (*Effective from passage*) A segment of SSR 411 from Route 3 to
53 Route 99 in Rocky Hill, shall be designated the "Nicholas LaRosa
54 Memorial Highway".

55 Sec. 18. (*Effective from passage*) Bridge number 00024, passing over
56 Interstate 95 at Wilson Avenue in Stamford, shall be designated the
57 "Stamford Firefighters L786 World Trade Center Memorial Bridge".

58 Sec. 19. (*Effective from passage*) Bridge number 02430, passing over
59 Fenn Brook on Route 67 in Roxbury, shall be designated the "Hurlbut
60 Bridge".

61 Sec. 20. (*Effective from passage*) Bridge number 01747, passing over
62 Interstate 84 on Route 173 in West Hartford, shall be designated the
63 "Thomas DeAngelis Memorial Bridge".

64 Sec. 21. (*Effective from passage*) A segment of Route 130 in the city of
65 Bridgeport from the Fairfield town line to the Stratford town line shall
66 be designated the "Alvin W. Penn Memorial Highway".

67 Sec. 22. (*Effective from passage*) Bridge number 1748 on Mayflower
68 Road, passing over Interstate 84 in West Hartford, shall be designated
69 the "Joseph Lenihan Memorial Bridge".

70 Sec. 23. (*Effective from passage*) SSR 403 located in the town of

71 Windsor Locks running in a generally westerly direction from the
72 eastern junction of SSR 401 to the western junction of SSR 401, shall be
73 designated the "Robert F. Juliano Highway".

74 Sec. 24. (NEW) (*Effective October 1, 2003*) Any vehicle used for
75 landscaping purposes that has a caged trailer shall display an orange
76 triangular caution sign on the rear of the trailer.

77 Sec. 25. Section 13a-1 of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective October 1, 2003*):

79 (a) As used in this title: [.]

80 (1) ["commissioner"] "Commissioner" means the Commissioner of
81 Transportation and includes each [and all of his successors] successor
82 in office or authority;

83 (2) ["highway"] "Highway" includes streets and roads;

84 (3) ["limited access state highway"] "Limited access state highway"
85 means any state highway so designated under the provisions of section
86 13b-27; [.] and

87 (4) ["state highway"] "State highway" means a highway, bridge or
88 appurtenance to a highway or bridge designated as part of the state
89 highway system within the provisions of chapter 237, or a highway,
90 bridge or appurtenance to a highway or bridge specifically included in
91 the state highway system by general statute.

92 (b) Wherever in the general statutes or special acts pertaining to
93 highways the word "town" is used, it shall include city or borough. The
94 word "selectmen", wherever the same occurs in the general statutes
95 which relate to the care and maintenance of highways, shall, in relation
96 to towns having a consolidated town and city government and bound
97 to care for and maintain the highways [therein] in such towns, be
98 construed to mean the board, officer or commission having charge of
99 the care and maintenance of such highways.

100 Sec. 26. Section 13a-9 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective October 1, 2003*):

102 A superintendent of highways and bridges shall possess practical
103 and technical qualifications for the duties of such office and shall hold
104 no other office in the town government. [He] The superintendent shall
105 be bonded, in an amount fixed by the board of finance if the town has
106 such a board, otherwise by the board of selectmen, by a reliable surety
107 company, conditioned for the faithful discharge of the duties of [his]
108 such office. [, and the] The premium on such bond shall be a charge
109 against the town and shall be paid upon the requisition of such
110 superintendent. [He] The superintendent shall receive such salary as is
111 fixed by the board of finance, or by the town in town meeting when
112 there is no such board, the appropriation therefor to be made in the
113 same manner as other appropriations are made in such town. Such
114 salary shall be paid by the treasurer of the town out of the general
115 funds of the town raised by taxation, upon the requisition of the
116 superintendent, countersigned by the selectmen of the town.

117 Sec. 27. Subsection (a) of section 13a-21 of the general statutes is
118 repealed and the following is substituted in lieu thereof (*Effective*
119 *October 1, 2003*):

120 (a) The commissioner [is authorized and directed to] shall plan and
121 construct, under the provisions of this part, an expressway which is
122 hereby established at the following location or such part or parts
123 thereof as may from time to time, by a bond declaration, or any
124 amendment thereof signed or approved by the commissioner, be
125 determined to be suitable for such expressway: Beginning at a point on
126 the Connecticut-New York state line near the village of Port Chester,
127 New York, and running, with such omissions and for such distance as
128 may from time to time be so determined in such a declaration or
129 amendment thereof, thence in a general northeasterly direction to New
130 Haven, and thence in a general easterly direction via the Baldwin
131 Bridge over the Connecticut River to a point at or near the East Lyme-
132 Waterford town line, and thence in a general northeasterly direction to

133 a point at or near Norwich, and thence in a general northeasterly
134 direction to a point on the Connecticut-Rhode Island state line in
135 Killingly. Such expressway shall be included in the state highway
136 system.

137 Sec. 28. Subsection (a) of section 13a-22 of the general statutes is
138 repealed and the following is substituted in lieu thereof (*Effective*
139 *October 1, 2003*):

140 (a) The commissioner [is authorized to] may plan and construct,
141 under the provisions of this part, a separate expressway which is
142 hereby established at such part or parts of the location of the highway
143 constituting, on January 30, 1957, the expressway [mentioned in]
144 described in subsection (a) of section 13a-21, as amended by this act, as
145 may, from time to time, by a bond declaration or any amendment
146 thereof signed or approved by the commissioner, be determined to be
147 suitable for such expressway or highway. Such expressway or
148 highway shall be included in the state highway system. The
149 commissioner may construct with respect to such highway such
150 related buildings and facilities. Any such highway, if financed by the
151 issuance of expressway bonds described in a bond declaration signed
152 by the commissioner or Treasurer after January 1, 1957, shall become
153 and is hereby established as an expressway without further action of
154 the General Assembly.

155 Sec. 29. Section 13a-23 of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective October 1, 2003*):

157 The commissioner may [(a)] (1) plan, construct, reconstruct, repair,
158 improve, manage, maintain and operate expressways, and reconstruct
159 and relocate existing highways, sections of highways, bridges or
160 structures and incorporate and use the same, whether or not so
161 reconstructed or relocated or otherwise changed or improved, as parts
162 of such expressways; [(b)] (2) retain and employ consultants and
163 assistants on a contract or other basis for rendering legal, financial,
164 professional, technical or other assistance and advice necessary to
165 carry out the provisions of the general statutes concerning

166 expressways; [(c)] (3) limit ingress to or egress from, and establish
167 regulations, in accordance with chapter 54, for the use of, any
168 expressways, and [(d)] (4) do all things necessary or convenient to
169 carry out the purposes and exercise the powers expressly given in this
170 part.

171 Sec. 30. Section 13a-32 of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective October 1, 2003*):

173 The commissioner [is authorized and directed] shall, to the full
174 extent but only to the extent permitted by moneys, appropriations and
175 allotments becoming available under sections 13a-239 to 13a-246,
176 inclusive, and allotments becoming available under any other law, [to]
177 construct a new state highway, which is made hereby a part of the
178 state highway system and is hereinafter sometimes referred to as the
179 "project", as a two-lane facility from a point on the Governor John
180 Davis Lodge Turnpike northerly of the toll station existing in
181 Montville, prior to 1985, to a point on Connecticut Route 12 not more
182 than two thousand feet south of Connecticut Route 27, including and
183 over a new bridge, which is hereinafter sometimes referred to as the
184 "bridge", across the Thames River from a point northerly of the
185 developed portion of Fort Shantok State Park in Montville to a point
186 southerly of the Norwich Hospital in Preston.

187 Sec. 31. Section 13a-33 of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective October 1, 2003*):

189 Subject to the limitations referred to in section 13a-32, as amended
190 by this act, the commissioner [is authorized (a) to] may (1) plan,
191 design, lay out, construct, reconstruct, relocate, improve, maintain and
192 operate the project, and reconstruct and relocate existing highways,
193 sections of highways, bridges or structures and incorporate or use the
194 same, whether or not so reconstructed or relocated or otherwise
195 changed or improved, as parts of the project, and, [to that end, to] for
196 such purpose, do and perform with respect to the project any act or
197 thing which is [mentioned or] referred to in subsection (a) of section
198 13a-239; [(b) to] (2) retain and employ consultants and assistants on a

199 contract or other basis for rendering professional, legal, fiscal,
200 engineering, technical or other assistance and advice; [(c) to] (3) limit
201 ingress to or egress from, and establish regulations, in accordance with
202 chapter 54, for the use of, the project; and [(d) to] (4) do all things
203 necessary or convenient to carry out the purposes and duties and
204 exercise the powers expressly given in sections 13a-32 to 13a-35,
205 inclusive, as amended by this act, 13a-127, as amended by this act, 13a-
206 160 and 13a-239 to 13a-246, inclusive. Except as otherwise stated in
207 section 13a-32, as amended by this act, nothing contained in this
208 section and sections [13a-33,] 13a-34, 13a-35, 13a-127, as amended by
209 this act, 13a-160 and 13a-239 to 13a-246, inclusive, shall be construed to
210 limit or restrict, with respect to the project, any power, right or
211 authority of the commissioner existing under or pursuant to any other
212 law.

213 Sec. 32. Section 13a-57 of the general statutes is repealed and the
214 following is substituted in lieu thereof (*Effective October 1, 2003*):

215 The commissioner [is authorized to] may lay out any road as a state
216 highway either by using existing highways or by acquiring by
217 purchase or condemnation new rights-of-way. The layout shall be
218 made in the following manner: The commissioner shall develop a map
219 or maps of the layout of a state highway by ground survey or aerial
220 photogrammetric methods. Such map or maps shall show the limits of
221 the right-of-way, all existing roads, buildings, fences and other
222 topographic features which will clearly establish the location of the
223 highway. The commissioner shall file in the town clerk's office in each
224 town in which such layout or portion thereof is established a map
225 showing such portions of such layout within the limits of any such
226 town in which such map is filed. When such maps of any section or
227 sections of such highway have been so filed, the commissioner shall
228 cause a notice to be inserted in a newspaper having a general
229 circulation within each of such towns describing the action of the
230 commissioner concerning the layout of such highway. When such
231 maps have been placed on file and such notice given, such portion or
232 section shall be deemed to have been legally laid out as a state

233 highway and all provisions of the general statutes relating to state
234 highways shall apply to such layout or highway. This section shall not
235 affect the authority of the commissioner to relocate any section of any
236 state highway as provided in section 13a-56.

237 Sec. 33. Subsection (b) of section 13a-73 of the general statutes is
238 repealed and the following is substituted in lieu thereof (*Effective*
239 *October 1, 2003*):

240 (b) The commissioner may take any land [he finds] necessary for the
241 layout, alteration, extension, widening, change of grade or
242 improvement of any state highway or for a highway maintenance
243 storage area or garage and the owner of such land shall be paid by the
244 state for all damages and the state shall receive from such owner the
245 amount or value of all benefits resulting from such taking, layout,
246 alteration, extension, widening, change of grade or other
247 improvement. The use of any site acquired for highway maintenance
248 storage area or garage purposes by condemnation shall conform to any
249 zoning ordinance or development plan in effect for the area in which
250 such site is located, provided the commissioner may be granted any
251 variance or special exception as may be made pursuant to the zoning
252 ordinances and regulations of the town wherein any such site is to be
253 acquired. The assessment of such damages and of such benefits shall
254 be made by the commissioner and filed by [him] the commissioner
255 with the clerk of the superior court in the judicial district in which the
256 land affected is located, and such clerk shall give notice of such
257 assessment to each person having an interest of record [therein] in
258 such land by mailing to each a copy of the same, postage prepaid, and,
259 at any time after such assessment has been made by said
260 commissioner, the physical construction of such layout, alteration,
261 extension, widening, maintenance storage area or garage, change of
262 grade or other improvement may be made. If notice cannot be given to
263 any person entitled thereto because [his] such person's whereabouts or
264 existence is unknown, notice may be given by publishing a notice at
265 least twice in a newspaper published in the judicial district and having
266 a daily or weekly circulation in the town in which the property

267 affected is situated. Any such published notice shall state that it is a
268 notice to the last owner of record or [his] such owner's surviving
269 spouse, heirs, administrators, assigns, representatives or creditors if
270 [he] such owner is deceased, and shall contain a brief description of the
271 property taken. Notice shall also be given by mailing to each such
272 person at [his] such person's last-known address, by registered or
273 certified mail, a copy of such notice. If, after a search of the land and
274 probate records the address of any interested party cannot be found,
275 an affidavit stating such facts and reciting the steps taken to establish
276 the address of any such person shall be filed with the clerk of the
277 superior court and accepted in lieu of service of such notice by mailing
278 the same to the last known address of such person. Upon filing an
279 assessment with the clerk of the superior court, the commissioner shall
280 [forthwith] immediately sign and file for record with the town clerk of
281 the town wherein such real property is located a certificate setting
282 forth the fact of such taking, a description of the real property so taken
283 and the names and residences of the owners from whom it was taken.
284 Upon the filing of such certificate, title to such real property in fee
285 simple shall vest in the state of Connecticut except that, if it is so
286 specified in such certificate, a lesser estate, interest or right shall vest in
287 the state. The commissioner shall permit the last owner of record of
288 such real property upon which a residence is situated to remain in
289 such residence, rent free, for a period of one hundred twenty days after
290 the filing of such certificate.

291 Sec. 34. Subsection (a) of section 13a-80 of the general statutes is
292 repealed and the following is substituted in lieu thereof (*Effective*
293 *October 1, 2003*):

294 (a) The commissioner, with the advice and consent of the Secretary
295 of the Office of Policy and Management and the State Properties
296 Review Board may sell, lease and convey, in the name of the state, or
297 otherwise dispose of, or enter into agreements concerning, any land
298 and buildings owned by the state and obtained for or in connection
299 with highway purposes or for the efficient accomplishment of the
300 foregoing purposes or formerly used for highway purposes, which real

301 property is not necessary for such purposes. The commissioner shall
302 notify the state representative and the state senator representing the
303 municipality in which said property is located within one year of the
304 date a determination is made that the property is not necessary for
305 highway purposes and that the department intends to dispose of the
306 property.

307 Sec. 35. Section 13a-84 of the general statutes is repealed and the
308 following is substituted in lieu thereof (*Effective October 1, 2003*):

309 If the selectmen of any town and any person interested in the
310 layout, opening, grading or alteration of any highway or private way
311 [therein] in such town cannot agree as to the damages sustained by, or
312 the benefits accruing to, such person thereby, the selectmen shall apply
313 to any judge of the Superior Court who, having caused reasonable
314 notice to be given to the parties interested, shall appoint a committee
315 of three disinterested electors to estimate and assess each person
316 injured or benefited the damages sustained by or the benefits accruing
317 to [him] such person by such layout, opening, grading [,] or alteration
318 of such way. Such committee, having thereupon given at least ten
319 days' notice to the parties interested of the time and place of its
320 meeting, shall, under oath, make such estimate and assessment and
321 [forthwith] immediately report its [doings] actions to the superior
322 court in the judicial district in which the land is situated. Notice of the
323 time and place of the meeting of such committee may be given to the
324 parties interested, if they are residents of the state, personally, or by
325 leaving written notices at their respective places of abode, or by
326 depositing in the post office, postage paid, notices addressed to them
327 respectively; or, if they are nonresidents, by like notice to the person
328 having charge of the land. Any person interested in such estimate or
329 assessment may appear before said court and remonstrate against the
330 acceptance of such report for any irregularity or improper conduct;
331 and thereupon the same proceedings shall be had by said court in
332 accepting or rejecting such report, and in ordering a jury to reassess
333 the damages and benefits, or either, as provided in the case of
334 applications brought to said court against towns for the layout or

335 alteration of highways; and such jury, and the court in acting upon the
336 report of such jury, shall proceed as in the case of such applications.

337 Sec. 36. Section 13a-95 of the general statutes is repealed and the
338 following is substituted in lieu thereof (*Effective October 1, 2003*):

339 The commissioner may, at any time, call for bids to construct, alter,
340 reconstruct, improve, relocate, widen or change the grade of sections
341 of state highways or bridges. All bids shall be submitted on forms
342 provided by the commissioner and shall comply with the rules and
343 regulations provided in the bid specifications. The commissioner shall
344 state the amount of the bond which shall accompany each bid and
345 shall name the place where bids shall be received and the time and
346 place for opening the same. Each bid shall be accompanied by a surety
347 company bond satisfactory to the commissioner and in such sum as
348 [he] the commissioner determines, and shall be so conditioned that, if
349 the contract is awarded to the bidder, [he] such bidder shall, when
350 required by the commissioner, execute an agreement in writing, to be
351 prepared by said commissioner, with such bond as shall be acceptable
352 to the commissioner, conditioned as provided in section 49-41. The
353 commissioner may reject any and all bids if, in [his] the commissioner's
354 opinion, cause exists therefor; but otherwise [he] the commissioner
355 shall award the contract to the lowest bidder [whom he deems]
356 deemed to be responsible. The successful bidder shall give evidence
357 satisfactory to said commissioner of [his] such bidder's ability to
358 perform the contract. When such contract is executed by the
359 commissioner and the successful bidder, a copy of the contract, with
360 an estimate of the cost of the work, shall be [forthwith] immediately
361 filed with the commissioner.

362 Sec. 37. Section 13a-101 of the general statutes is repealed and the
363 following is substituted in lieu thereof (*Effective October 1, 2003*):

364 Any bridge or passageway over any artificial watercourse on a
365 highway which it is not the duty of the commissioner to maintain shall
366 be constructed and maintained by the person owning or controlling
367 such watercourse and shall be of such width and carrying capacity as

368 are approved by the board of selectmen of the town, provided, if at
369 any time the board of selectmen finds that any such existing bridge or
370 passageway has become insufficient to permit the traveling public to
371 use it with safety, the board of selectmen shall cause such bridge or
372 passageway to be reconstructed so as to make it sufficient or shall
373 cause a new sufficient bridge or passageway to be constructed. The
374 town and the person owning or controlling the watercourse shall each
375 pay an equitable portion of the cost of reconstructing such existing
376 bridge or passageway or of constructing a new sufficient bridge or
377 passageway, which equitable apportionment shall be based upon the
378 respective needs of the town and the person for such change in such
379 bridge or passageway, and the board of selectmen [is authorized to]
380 may enter into an agreement with such person determining the portion
381 to be paid by each, provided, if the board of selectmen and such
382 person cannot agree upon an equitable apportionment of such cost,
383 either may apply to the superior court in the judicial district within
384 which such bridge or passageway is situated, or, if said court is not in
385 session, to any judge thereof, for a determination of the portion of the
386 cost to be borne by each, and said court or such judge, after causing
387 notice of the pendency of such application to be given to the other
388 party, shall appoint a state referee to make such determination. Such
389 referee, having given at least ten days' notice to the parties interested
390 of the time and place of the hearing, shall hear both parties, shall view
391 the bridge or passageway and take such testimony as such referee
392 deems material, and shall thereupon determine the portion of the cost
393 to be borne by each and [forthwith] immediately report to the court. If
394 the report is accepted by the court, such determination shall, subject to
395 right of appeal as in civil actions, be conclusive upon both parties.

396 Sec. 38. Section 13a-123 of the general statutes is repealed and the
397 following is substituted in lieu thereof (*Effective July 1, 2003*):

398 (a) The erection of outdoor advertising structures, signs, displays or
399 devices within six hundred sixty feet of the edge of the right-of-way,
400 the advertising message of which is visible from the main traveled way
401 of any portion of the National System of Interstate and Defense

402 Highways, hereinafter referred to as interstate highways, the primary
403 system of federal-aid highways or other limited access state highways,
404 is prohibited except as otherwise provided in or pursuant to this
405 section, and except that those outdoor advertising signs, displays and
406 devices which are more than six hundred sixty feet off the nearest edge
407 of the right-of-way, located outside of urban areas, visible from the
408 main traveled way of the system and erected with the purpose of their
409 message being read from such main traveled way are prohibited.

410 (b) The Commissioner of Transportation may enter into agreements
411 with the Secretary of Commerce on behalf of the state or any of its
412 agencies to comply with Title I of the Highway Beautification Act of
413 1965 and do such things as are necessary to enable the state to be
414 eligible for the bonus payments as set forth in an agreement between
415 the state and the Secretary of Commerce dated June 23, 1961.

416 (c) The commissioner may promulgate regulations for the control of
417 outdoor advertising structures, signs, displays and devices along
418 interstate highways, the primary system of federal-aid highways and
419 other limited access state highways. Such regulations shall be as, but
420 not more, restrictive than the controls required by Title I of the
421 Highway Beautification Act of 1965 and any amendments thereto with
422 respect to the interstate and primary systems of federal-aid highways
423 or the national standards of the Secretary of Commerce in respect to
424 the interstate highways, in effect November 13, 1958, and any
425 amendments thereto.

426 (d) The regulations promulgated by the commissioner shall, in the
427 case of such other limited access state highways, exclude any area
428 along either side of such highways which is zoned for industrial or
429 commercial use under local ordinance or zoning regulation and which,
430 upon application, is determined by the commissioner to be in actual
431 use as an industrial or commercial area at the time of application,
432 provided such exclusion shall remain operative only so long as such
433 area remains so zoned.

434 (e) The following types of signs, displays and devices may, with the

435 approval of and subject to regulations promulgated by the
436 commissioner, be permitted within the six hundred sixty-foot area of
437 interstate, primary and other limited access state highways, except as
438 prohibited by state statute, local ordinance or zoning regulation: (1)
439 Directional and other official signs or notices, which signs and notices
440 shall include, but not be limited to, signs and notices pertaining to
441 natural wonders and scenic and historical attractions which are
442 required or authorized by law; (2) signs, displays and devices
443 advertising the sale or lease of the property upon which they are
444 located; (3) signs, displays and devices advertising activities conducted
445 on the property on which they are located. Subject to regulations
446 promulgated by the commissioner and except as prohibited by state
447 statute, local ordinance or zoning regulation signs, displays and
448 devices may be erected and maintained within six hundred and sixty
449 feet of primary and other limited access state highways in areas which
450 are zoned for industrial or commercial use under authority of law or
451 located in unzoned commercial or industrial areas which areas shall be
452 determined from actual land uses and defined by regulations of the
453 commissioner. The regulations of the commissioner in regard to size,
454 spacing and lighting shall apply to any segments of the interstate
455 system which traverse commercial or industrial zones wherein the use
456 of real property adjacent to the interstate system is subject to municipal
457 regulation or control, or which traverse other areas where the land use,
458 as of September 21, 1959, was clearly established under state law as
459 industrial or commercial.

460 (f) Notwithstanding the provisions of subsections (a) and (e) of this
461 section, signage that may be changed at intervals by electronic or
462 mechanical process or by remote control shall be permitted within six
463 hundred sixty feet of the edge of the right-of-way of any interstate,
464 federal-aid primary or other limited access state highway, except as
465 prohibited by state statute, local ordinance or zoning regulation,
466 provided such signage (1) has a static display lasting no less than six
467 seconds, (2) achieves a message change with all moving parts or
468 illumination moving or changing simultaneously over a period of
469 three seconds or less, and (3) does not display any illumination that

470 moves, appears to move or changes in intensity during the static
471 display period.

472 ~~[(f)]~~ (g) (1) Whenever the commissioner deems it in the best interest
473 of the state, ~~[he]~~ the commissioner may acquire by purchase, gift or
474 condemnation, in accordance with part IV of this chapter, the right to
475 advertise or regulate advertising in an area adjacent to the right-of-
476 way of a project on the interstate or primary system or any limited
477 access state highway. (2) The commissioner may also acquire by
478 purchase, gift or condemnation, and shall pay just compensation upon
479 the removal of the following outdoor advertising structures, signs,
480 displays and devices adjacent to interstate and federal-aid primary
481 highways which (A) were lawfully in existence on October 22, 1965, (B)
482 were lawfully on a highway made part of the interstate or primary
483 system on or after October 22, 1965, and before January 1, 1968, and (C)
484 were lawfully erected on or after January 1, 1968. Just compensation
485 for the removal of structures, signs, displays and devices along the
486 interstate and primary systems shall be paid only for the following: (i)
487 The taking from the owner of such sign, display or device of all right,
488 title, leasehold and interest in such structure, sign, display or device;
489 and (ii) the taking, from the owner of the real property on which the
490 structure, sign, display or device is located, of the right to erect and
491 maintain such structures, signs, displays and devices thereon.

492 ~~[(g)]~~ (h) Licenses or permits for outdoor structures, signs, displays
493 or devices adjacent to interstate, primary federal-aid or other limited
494 access state highways issued by the Commissioner of Public Safety in
495 accordance with chapter 411 shall be consistent with regulations and
496 standards adopted under this section.

497 ~~[(h)]~~ (i) In order to provide information in the specific interest of the
498 traveling public the Commissioner of Transportation may maintain
499 maps and may permit informational directories and advertising
500 pamphlets to be made available at safety areas, and, subject to the
501 approval of the Secretary of Commerce, may establish information
502 centers at safety rest areas for the purpose of informing the public of

503 places of interest within the state and providing such other
504 information as the commissioner may consider desirable. In addition
505 to being subject to the provisions of this section, all outdoor
506 advertising structures, signs, displays or devices shall continue to be
507 subject to the provisions of any municipal ordinance or regulation.

508 ~~[(i)]~~ [(j)] The commissioner may order the removal of any advertising
509 structure, sign, display or device along any interstate, federal-aid
510 primary, or other limited access state highway erected in violation of
511 this section. Any advertising structure, sign, display or device in
512 existence on September 1, 1965, within six hundred and sixty feet of
513 the right-of-way of any interstate, federal-aid primary, or other limited
514 access state highway may continue to be maintained until July 1, 1970,
515 but may not be replaced or relocated on such highway except (1) in
516 areas where otherwise allowed by statute or regulations adopted
517 thereunder, or (2) if such sign is removed from a building to which it is
518 attached for purposes of repair or reconstruction of the building, the
519 identical sign may be returned to its original position. Any advertising
520 structure, sign, display or device lawfully erected since September 1,
521 1965, within six hundred sixty feet of the right-of-way of any interstate,
522 federal-aid primary, or other limited access state highway and before
523 June 21, 1967, may continue to be maintained until the end of the fifth
524 year after it becomes nonconforming, but may not be replaced or
525 relocated on such highway except in areas where otherwise allowed by
526 statute or regulations adopted thereunder. If the person, firm or
527 corporation in control of or owning a structure, sign, display or device
528 or whose name appears thereon does not remove it within fourteen
529 days after an order of removal has been sent to such person, firm or
530 corporation by registered or certified mail, said commissioner may
531 cause such structure, sign, display or device to be removed and the
532 expense of such removal may be collected from the person, firm or
533 corporation owning or controlling the same in an action based on the
534 provisions of this section, or from the sureties on the bond filed by a
535 nonresident person, firm or corporation pursuant to section 21-54.

536 ~~[(j)]~~ [(k)] Any person violating any provision of this section shall be

537 fined not more than one hundred dollars for each such violation.

538 Sec. 39. Section 13a-126 of the general statutes is repealed and the
539 following is substituted in lieu thereof (*Effective October 1, 2003*):

540 As used in this section, "public service facility" [means and] includes
541 all privately, publicly or cooperatively owned lines, facilities and
542 systems for producing, transmitting or distributing communications,
543 cable television, power, electricity, light, heat, gas, oil, crude products,
544 water, steam, waste, storm water not connected with highway
545 drainage and any other similar commodities, including fire and police
546 signal systems and street lighting systems which directly or indirectly
547 serve the public. Whenever the commissioner determines that any
548 public service facility located within, on, along, over or under any land
549 comprising the right-of-way of a state highway or any other public
550 highway when necessitated by the construction or reconstruction of a
551 state highway shall be readjusted or relocated in or removed from such
552 right-of-way, [he] the commissioner shall issue an appropriate order to
553 the company, corporation or municipality owning or operating such
554 facility, and such company, corporation or municipality shall readjust,
555 relocate or remove the same promptly in accordance with such order;
556 provided an equitable share of the cost of such readjustment,
557 relocation or removal, including the cost of installing and constructing
558 a facility of equal capacity in a new location, shall be borne by the
559 state. Such equitable share, in the case of or in connection with the
560 construction or reconstruction of any limited access highway, shall be
561 the entire cost, less the deductions [hereinafter] provided in this
562 section, and, in the case of or in connection with the construction or
563 reconstruction of any other state highway, shall be such portion or all
564 of the entire cost, less the deductions [hereinafter] provided in this
565 section, as may be fair and just under all the circumstances, but shall
566 not be less than fifty per cent of such cost after the deductions
567 [hereinafter] provided in this section. In establishing the equitable
568 share of the cost to be borne by the state, there shall be deducted from
569 the cost of the readjusted, relocated or removed facilities a sum based
570 on a consideration of the value of materials salvaged from existing

571 installations, the cost of the original installation, the life expectancy of
572 the original facility and the unexpired term of such life use. When any
573 facility is removed from the right-of-way of a public highway to a
574 private right-of-way, the state shall not pay for such private right-of-
575 way, provided, when a municipally-owned facility is thus removed
576 from a municipally-owned highway, the state shall pay for the private
577 right-of-way needed by the municipality for such relocation. If the
578 commissioner and the company, corporation or municipality owning
579 or operating such facility cannot agree upon the share of the cost to be
580 borne by the state, either may apply to the superior court for the
581 judicial district within which such highway is situated, or, if said court
582 is not in session, to any judge thereof, for a determination of the cost to
583 be borne by the state, and said court or such judge, after causing notice
584 of the pendency of such application to be given to the other party, shall
585 appoint a state referee to make such determination. Such referee,
586 having given at least ten days' notice to the parties interested of the
587 time and place of the hearing, shall hear both parties, shall view such
588 highway, shall take such testimony as such referee deems material and
589 shall thereupon determine the amount of the cost to be borne by the
590 state and [forthwith] immediately report to the court. If the report is
591 accepted by the court, such determination shall, subject to right of
592 appeal as in civil actions, be conclusive upon both parties.

593 Sec. 40. Section 13a-127 of the general statutes is repealed and the
594 following is substituted in lieu thereof (*Effective October 1, 2003*):

595 The commissioner [is authorized to] may contract with any person,
596 partnership, association or corporation, desiring the use of the project
597 authorized by section 13a-32, as amended by this act, the Gold Star
598 Memorial Bridge or the Old Lyme and Old Saybrook Bridge, or the
599 appurtenances and approaches or any part of such project or bridges,
600 for placing thereon water, steam, gas or oil pipelines, telephone,
601 telegraph, electric light or power lines, or for any other purpose, and to
602 fix the terms, conditions and rates and charges for such use.

603 Sec. 41. Section 13a-129 of the general statutes is repealed and the

604 following is substituted in lieu thereof (*Effective October 1, 2003*):

605 Upon twelve days' notice of such petition to such town or towns
606 and to all owners of land abutting on such highways and to such other
607 persons as the court orders, served and returned in the same manner
608 as in civil process, said court shall hear and decide such petition and,
609 upon finding the allegations to be true, shall grant the discontinuance
610 or alteration of such highways, prescribing in its judgment any
611 modifications of such discontinuance or alteration [prayed for]
612 requested in such petition, or any layout of a new highway or
613 highways in lieu thereof, as said court deems to be required by public
614 convenience and necessity. Said court shall, in such judgment, appoint
615 a committee of three disinterested persons to make a survey and
616 layout in accordance [therewith] with such judgment and, upon such
617 notice to the parties in interest as the court orders, to estimate the
618 damages sustained by any person and to report in writing their
619 [doings] actions to said court. Upon acceptance of such report by said
620 court and payment of damages by the petitioner to the parties found to
621 be entitled thereto or deposit of the same in said court for their use,
622 such discontinuance, alteration or new layout shall become effectual,
623 and the applicant shall [forthwith] immediately construct such
624 highway as altered or laid out, at its own expense and in the manner
625 determined by said court, and shall cause a certified copy of such
626 judgment and of the report of such committee as accepted to be
627 recorded in the land records of each town in which any part of such
628 highway so discontinued, altered or laid out is situated. Appeal from
629 the judgment granting such petition or from the judgment of the court
630 accepting such report may be taken by any party in interest in the
631 same manner as is prescribed by law for appeals in civil actions.

632 Sec. 42. Section 13a-133 of the general statutes is repealed and the
633 following is substituted in lieu thereof (*Effective October 1, 2003*):

634 The commissioner [is authorized to] may enter into agreements with
635 railroad corporations for the purpose of performing any work which
636 may be necessary in connection with the construction of highways,

637 bridges and other public works undertaken by the Department of
638 Transportation whenever such construction or work would entail
639 relocation, alteration or other work on the tracks, bridges or other
640 property of such corporations. Any such agreement, subject to the
641 approval of the State Treasurer, may provide for the monthly
642 advancement of funds to a special bank account administered jointly
643 by the railroad corporations and the State Treasurer, for the purpose of
644 covering the cost of such work, whenever it appears that otherwise
645 delay would result in the reasonable progress of such work which
646 would unreasonably obstruct and impede the construction of
647 highways and disrupt the free flow of public transportation.

648 Sec. 43. Section 13a-135 of the general statutes is repealed and the
649 following is substituted in lieu thereof (*Effective October 1, 2003*):

650 The commissioner [is authorized to] may take, under the provisions
651 of the general statutes relating to the taking of land for highway
652 purposes, the ties, track appurtenances and rails of any disbanded or
653 defunct street railway company, as defined in section 16-1, in state
654 highways or bridges or, by agreement with any operating street
655 railway company, [to] take title to and possession of, on behalf of the
656 state, any ties, rails or other track appurtenances in such highways or
657 bridges, and thereupon such street railway company shall be relieved
658 of all obligations with respect to construction, reconstruction, repair
659 and maintenance of any part of such highways or bridges or with
660 respect to the removal of such ties, rails and other track appurtenances.

661 Sec. 44. Section 13a-198c of the general statutes is repealed and the
662 following is substituted in lieu thereof (*Effective October 1, 2003*):

663 The Commissioner of Transportation [is authorized and directed]
664 shall, subject to approval by the Governor of allotment of funds
665 therefor, [to] undertake and proceed with the projects described in
666 section 13a-198b, and, [to that end] for such purpose, the
667 Commissioner of Transportation with respect to any such project [is
668 authorized to] may do and perform any act or thing regarding the
669 projects which are [mentioned or] referred to in [said] section 13a-198b.

670 Sec. 45. Section 13a-198d of the general statutes is repealed and the
671 following is substituted in lieu thereof (*Effective October 1, 2003*):

672 Subject to the limitations referred to in section 13a-198c, as amended
673 by this act, and in order to effectuate the purposes of [said] sections
674 13a-198a to 13a-198j, inclusive, as amended by this act, the
675 Commissioner of Transportation [is authorized (a) to] may (1) plan,
676 design, lay out, construct, reconstruct, relocate, improve, maintain and
677 operate the projects, and reconstruct and relocate existing highways,
678 sections of highways, bridges or structures and incorporate or use the
679 same, whether or not so reconstructed or relocated or otherwise
680 changed or improved, as parts of such projects; [(b) to] (2) retain and
681 employ consultants and assistants on a contract or other basis for
682 rendering professional, legal, fiscal, engineering, technical or other
683 assistance and advice; and [(c) to] (3) do all things necessary or
684 convenient to carry out the purposes and duties and exercise the
685 powers expressly given in sections 13a-198a to 13a-198j, inclusive, as
686 amended by this act. Except as otherwise stated in section 13a-198c, as
687 amended by this act, nothing contained in sections 13a-198a to 13a-
688 198j, inclusive, as amended by this act, shall be construed to limit or
689 restrict, with respect to the projects, any power, right or authority of
690 the Commissioner of Transportation existing under or pursuant to any
691 other law.

692 Sec. 46. Section 13a-247 of the general statutes is repealed and the
693 following is substituted in lieu thereof (*Effective October 1, 2003*):

694 (a) No person, firm or corporation shall excavate within or under, or
695 place any obstruction or substruction within, under, upon or over, or
696 interfere with construction, reconstruction or maintenance of or
697 drainage from, any state highway without the written permission of
698 the commissioner. [, and said] Said commissioner may fill in or close
699 any such excavation or remove or alter any such obstruction or
700 substruction, and the expense incurred by the commissioner in such
701 filling or removing or altering shall be paid by the person, firm or
702 corporation making such excavation or placing such obstruction or

703 substruction, provided any excavation, obstruction or substruction
704 existing within, under, upon or over any such highway on July 1, 1925,
705 or, at the discretion of said commissioner, any excavation, obstruction
706 or substruction made after said date without a permit or in violation of
707 the provisions of a permit shall be removed or altered by the person,
708 firm or corporation making or maintaining the same within thirty days
709 from the date when said commissioner sends by registered or certified
710 mail, postage prepaid, a notice to such person, firm or corporation,
711 ordering such removal or alteration.

712 (b) Any person, firm or corporation violating any provision of
713 subsection (a) of this section shall be fined not more than one hundred
714 dollars for a first offense and not less than one hundred dollars nor
715 more than five hundred dollars for each subsequent offense.

716 Sec. 47. Section 13a-249 of the general statutes is repealed and the
717 following is substituted in lieu thereof (*Effective October 1, 2003*):

718 The commissioner [is authorized to] may erect temporary buildings
719 upon land owned by the state and under the jurisdiction of the
720 Department of Transportation for purposes incidental to the
721 construction and maintenance of highways.

722 Sec. 48. Section 13a-250 of the general statutes is repealed and the
723 following is substituted in lieu thereof (*Effective October 1, 2003*):

724 The warden of the Connecticut Correctional Institution, Somers, the
725 warden of the John R. Manson Youth Institution, Cheshire or the
726 Community Correctional Center Administrator, upon the requisition
727 of the commissioner, may permit any inmate of any institution under
728 [his] said warden's or administrator's charge, other than a person
729 serving a life sentence, to be employed in the construction of any
730 highway or bridge, under the direction of said commissioner. Said
731 warden or Community Correctional Center Administrator shall
732 furnish necessary guards over prisoners while out of the custody of
733 any such institution.

734 Sec. 49. Section 13a-251 of the general statutes is repealed and the
735 following is substituted in lieu thereof (*Effective October 1, 2003*):

736 The commissioner [is authorized to] may maintain, from funds
737 available to the Department of Transportation, the James H.
738 MacDonald Memorial Park in the town of Avon.

739 Sec. 50. Section 13a-253 of the general statutes is repealed and the
740 following is substituted in lieu thereof (*Effective October 1, 2003*):

741 (a) The commissioner may repair, maintain and operate the dock on
742 the east bank of the Connecticut River, known as the "Opera House
743 Dock", in the town of East Haddam, as a public convenience. The
744 commissioner may [make] adopt regulations, in accordance with
745 chapter 54, consistent with the welfare, safety and convenience of the
746 public, [for] concerning the use of said dock and may establish and
747 from time to time revise rates for dockage fees and collect such fees.

748 (b) Any person who violates any regulation established as provided
749 in subsection (a) of this section shall be fined not more than fifty
750 dollars.

751 Sec. 51. Section 13a-254 of the general statutes is repealed and the
752 following is substituted in lieu thereof (*Effective October 1, 2003*):

753 When a state highway which has been given a name by act of the
754 General Assembly has been reconstructed, relocated or renumbered,
755 the commissioner may apply such name to such reconstructed,
756 relocated or renumbered section except when [he] the commissioner
757 determines that such name applies exclusively, because of personal or
758 historical association, to the highway as originally constructed.

759 Sec. 52. Subsection (a) of section 13a-255 of the general statutes is
760 repealed and the following is substituted in lieu thereof (*Effective from*
761 *passage*):

762 (a) The systems of plane coordinates which have been established
763 by the National Geodetic Survey created by the National Ocean

764 Service, formerly the United States Coast and Geodetic Survey, or its
765 successors, or the Connecticut Geodetic Survey for purposes of
766 defining and stating the geographic positions or locations of points on
767 the surface of the earth within the state of Connecticut shall hereafter
768 be known and designated as the Connecticut Coordinate System of
769 1927 and the Connecticut Coordinate System of 1983. In any land
770 description in which such system is used, it shall be designated the
771 "Connecticut Coordinate System of 1927" or the "Connecticut
772 Coordinate System of 1983", whichever is applicable. A detailed
773 description of each system shall be published by the Commissioner of
774 Transportation.

775 Sec. 53. Section 13a-256 of the general statutes is repealed and the
776 following is substituted in lieu thereof (*Effective October 1, 2003*):

777 For each fiscal year, there may be allocated two hundred [and] fifty
778 thousand dollars out of funds available to the commissioner not
779 otherwise specifically allocated, to be used for a continuing joint
780 highway research program. The commissioner and the president of
781 The University of Connecticut [are authorized to] may make
782 agreements to establish such controls as may be mutually agreeable for
783 the determination of the research to be undertaken in accordance with
784 such program and to determine their respective responsibilities
785 relative to administration, financing and the publication of findings. If
786 suitable agreements can be entered into prior to the time that allocation
787 of funds for any fiscal year is made, said commissioner may furnish
788 the funds to continue such program from funds next to be allocated.
789 Funds remaining unexpended at the end of each fiscal year shall revert
790 to the unappropriated funds available to the commissioner.

791 Sec. 54. Section 13a-258 of the general statutes is repealed and the
792 following is substituted in lieu thereof (*Effective October 1, 2003*):

793 The Commissioner of Transportation shall maintain any sidewalk,
794 including the removal of snow and ice, abutting property acquired for
795 highway purposes, from the date of acquisition until the section of
796 highway for which the property was acquired is completed. [He] The

797 commissioner may agree with the municipality in which such
798 sidewalk is located that it perform such maintenance of, and removal
799 of snow and ice from, such sidewalk as [he] the commissioner deems
800 necessary and reimburse the municipality for the expense thereof;
801 provided such agreement shall not, for the purposes of section 13a-144,
802 release the commissioner from the duty to maintain such sidewalk.
803 Any person using such sidewalk shall do so at [his] such person's own
804 risk when such sidewalk is posted in accordance with section 13a-115.

805 Sec. 55. Section 13b-2 of the general statutes is repealed and the
806 following is substituted in lieu thereof (*Effective October 1, 2003*):

807 The following terms, when used in this chapter shall have the
808 following meanings, unless the context otherwise requires:

809 [(a)] (1) "Aeronautics", "air navigation facility", "airport" and
810 "restricted landing area" shall have the meanings prescribed in section
811 15-34;

812 [(b)] (2) "Bureau" means any of the operating bureaus established in
813 the department pursuant to the provisions of section 4-8;

814 [(c)] (3) "Commissioner" means the Commissioner of Transportation
815 appointed pursuant to this chapter;

816 [(d)] (4) "Department" means the Department of Transportation
817 established pursuant to this chapter;

818 [(e)] (5) "Highway", "state highway" and "limited access state
819 highway" shall have the meanings prescribed in section 13a-1, as
820 amended by this act;

821 [(f)] (6) "Motor carrier" means any person who operates motor
822 vehicles over the highways of this state, whether over regular or
823 irregular routes, in the transportation of passengers or property, or any
824 class or classes thereof, for hire by the general public or for hire under
825 special and individual contracts;

826 [(g)] (7) "Person" may include the United States, any state, or any
827 agency, instrumentality, department or officer thereof;

828 [(h)] (8) "State highway system" shall have the meaning prescribed
829 in sections 13a-14 and 13a-15;

830 [(i)] (9) "Transportation" means any form of transportation for
831 people or goods within, to or from the state, whether by highway, air,
832 water, rail or any other means.

833 Sec. 56. Section 13b-4 of the general statutes is repealed and the
834 following is substituted in lieu thereof (*Effective October 1, 2003*):

835 The commissioner shall have the following general powers, duties
836 and responsibilities:

837 (1) To coordinate and develop comprehensive, integrated
838 transportation policy and planning to include a long-range master plan
839 of transportation for the state;

840 (2) To coordinate and assist in the development and operation of a
841 modern, safe, efficient and energy-conserving system of highway,
842 mass transit, marine and aviation facilities and services;

843 (3) To promote the coordinated and efficient use of all available and
844 future modes of transportation;

845 (4) To study commuter and urban travel and in cooperation with
846 federal, regional and local agencies and persons to formulate and
847 implement plans and programs to improve such travel;

848 (5) To study means of providing facilities for parking motor vehicles
849 so as to encourage travel by the combination of motor vehicle and
850 other modes of transportation and in cooperation with federal,
851 regional and local agencies and persons to formulate and implement
852 plans and programs for this purpose;

853 (6) To study means of improving transportation safety and to
854 formulate and implement plans and programs and [promulgate] adopt

855 regulations, in accordance with chapter 54, for this purpose;

856 (7) To study the operations of existing airports, to determine the
857 need for changes in such airports and the need for future airports, and
858 to formulate and implement plans and programs to improve aviation
859 facilities and services;

860 (8) To cooperate with federal, state, interstate and local agencies,
861 organizations and persons performing activities relating to
862 transportation;

863 (9) To exercise and perform such other duties and responsibilities as
864 may be conferred under this chapter and title 13a or as may otherwise
865 be conferred by law;

866 (10) To prepare a plan setting forth [his] a recommendation for a
867 restructured system of regional transit districts within the state. Said
868 plan shall be based on: (A) Established patterns of commuter traffic
869 within the state; (B) federal requirements for receiving aid under the
870 Urban Mass Transportation Act of 1964, and (C) present planning
871 regions. On or before February 1, 1978, the commissioner shall present
872 such plan to the General Assembly;

873 (11) To prepare pertinent reports, including, but not limited to,
874 detailed reports of energy use analysis by mode of transportation; and

875 (12) To provide for the planning and construction of any capital
876 improvements and the remodeling, alteration, repair or enlargement of
877 any real asset that may be required for the development and operation
878 of a safe, efficient system of highway, mass transit, marine and
879 aviation transportation, provided the acquisition, other than by
880 condemnation, or the sale or lease, of any property that is used for
881 such purposes shall be subject to the review and approval of the State
882 Properties Review Board in accordance with the provisions of
883 subsection (f) of section 4b-3.

884 Sec. 57. Section 13b-16a of the general statutes is repealed and the
885 following is substituted in lieu thereof (*Effective October 1, 2003*):

886 (a) As used in this section:

887 (1) "Public transportation" includes, but is not limited to, rail service
888 and fixed route bus service;

889 (2) "Paratransit" includes, but is not limited to, carpooling and
890 vanpooling; and

891 (3) "Traffic management program" includes, but is not limited to,
892 employer incentives to promote carpooling, vanpooling and public
893 transportation.

894 (b) The Department of Transportation shall include, as part of its
895 alternative analysis for all new multilaned expressways on new
896 locations, an analysis of public transportation, paratransit [,] or traffic
897 management program options as part of each alternative. [As used in
898 this section, public transportation shall include, but not be limited to,
899 rail service and fixed route bus service; paratransit shall include, but
900 not be limited to, carpooling and vanpooling; and traffic management
901 programs shall include, but not be limited to, employer incentives to
902 promote carpooling, vanpooling, and public transportation.]

903 Sec. 58. Section 13b-26 of the general statutes is repealed and the
904 following is substituted in lieu thereof (*Effective October 1, 2003*):

905 (a) The commissioner shall make such alterations in the state
906 highway system as [he] the commissioner may from time to time deem
907 necessary and desirable to fulfill the purposes of this chapter and title
908 13a. In making any such alteration, [he] the commissioner shall
909 consider the best interest of the state, taking into consideration
910 relevant factors including the following: Traffic flow, origin and
911 destination of traffic, integration and circulation of traffic, continuity of
912 routes, alternate available routes and changes in traffic patterns. The
913 relative weight to be given to any factor shall be determined by the
914 commissioner. All alterations in said highway system shall be
915 consistent with the comprehensive long-range master transportation
916 plan. Each biennium the commissioner shall notify all members of the

917 General Assembly of the availability of the plan. A member requesting
918 a plan shall be sent a written copy or electronic storage media of the
919 plan by the commissioner.

920 (b) The commissioner may plan, design, lay out, construct, alter,
921 reconstruct, improve, relocate, maintain, repair, widen and grade any
922 state highway whenever [, in his judgment,] the interest of the state so
923 requires. Except when otherwise provided by any general statute, [he]
924 the commissioner shall exercise exclusive jurisdiction over all such
925 highways, and shall have the same powers relating to the state
926 highway system as are given to the selectmen of towns, the mayor and
927 common council of any city and the warden and burgesses of any
928 borough in relation to highways within their respective municipalities.
929 In laying out or building a state highway the commissioner shall
930 follow the procedures of sections 13a-57, as amended by this act, and
931 13a-58.

932 (c) The commissioner, where necessary in connection with the
933 construction, reconstruction, repair or relocation of a state highway,
934 may relocate, reconstruct or adjust the grade or alignment of any
935 locally maintained highway using standards of construction resulting
936 in safety and convenience. Any highway so changed shall continue to
937 be maintained by the town, city or borough after the completion of
938 such construction, reconstruction, repair or relocation.

939 (d) The commissioner [is authorized and directed] shall, to the full
940 extent but only to the extent permitted by moneys and appropriations
941 becoming available under sections 13a-184 to 13a-197, inclusive, or any
942 other law but subject to approval by the Governor of allotment thereof,
943 [forthwith to] immediately undertake and proceed with the projects
944 prescribed in section 13a-185 and, [to that end] for such purpose, said
945 commissioner with respect to any such project [is authorized to] may
946 do and perform any act or thing regarding the projects which [is
947 mentioned or] are referred to in [said] section 13a-185.

948 (e) Subject to the limitations referred to in subsection (d) of this
949 section and in order to effectuate the purposes of said subsection, said

950 commissioner [is authorized] may (1) [to] plan, design, lay out,
951 construct, reconstruct, relocate, improve, maintain and operate the
952 projects, and reconstruct and relocate existing highways, sections of
953 highways, bridges or structures and incorporate or use the same,
954 whether or not so reconstructed or relocated or otherwise changed or
955 improved, as parts of such projects; (2) [to] retain and employ
956 consultants and assistants on a contract or other basis for rendering
957 professional, legal, fiscal, engineering, technical or other assistance and
958 advice; and (3) [to] do all things necessary or convenient to carry out
959 the purposes and duties and exercise the powers expressly given in
960 said sections 13a-184 to 13a-197, inclusive. Except as otherwise stated
961 in subsection (d) of this section, nothing contained in said sections 13a-
962 184 to 13a-197, inclusive, shall be construed to limit or restrict, with
963 respect to the projects, any power, right or authority of the
964 commissioner existing under or pursuant to any other law.

965 (f) (1) Whenever a state of emergency, as a result of a disaster, exists
966 in the state or any part of the state, and is so declared to be under the
967 provisions of any federal law or state statute, and the state highway
968 system becomes damaged as a result of such disaster, or (2) whenever
969 the commissioner declares that an emergency condition exists on any
970 highway in the state which demands immediate attention to insure the
971 safety of the traveling public, whether or not such highway is
972 damaged, the commissioner may, notwithstanding any other provision
973 of the general statutes, employ, in any manner, such assistance as [he
974 may require] may be required to restore said highway system to a
975 condition which will provide safe travel or to correct the emergency
976 condition so declared by the commissioner.

977 Sec. 59. Section 13b-39c of the general statutes is repealed and the
978 following is substituted in lieu thereof (*Effective October 1, 2003*):

979 Upon receipt of the signed and certified registration form required
980 and the requisite fee, as provided for in section 13b-39d, as amended
981 by this act, the municipal registration official shall assign a registration
982 number and provide the owner with a registration decal and certificate

983 of registration. Such registration decal shall be displayed on the right
 984 side of the aircraft tail below the horizontal stabilizer. The number
 985 shall be maintained in a legible condition and shall be clearly visible
 986 and entirely unobscured. The certificate shall state the name of the
 987 owner, [his] such owner's address, a description of the aircraft, the
 988 expiration date of the certificate and such other information as the
 989 commissioner may prescribe by regulation adopted, in accordance
 990 with chapter 54. Such certificate shall be carried aboard the aircraft and
 991 shall be available for inspection upon the aircraft for which it is issued
 992 whenever the owner or any person authorized by [him] such owner is
 993 aboard such aircraft.

994 Sec. 60. Section 13b-39d of the general statutes is repealed and the
 995 following is substituted in lieu thereof (*Effective October 1, 2003*):

996 The owner shall pay a fee to the municipal registration official for
 997 each aircraft so numbered or registered in accordance with the
 998 following schedule:

T1	Gross Weight (lbs.)	Fee
T2	Less than 3,000	\$ 90.00
T3	3,001 - 4,500	250.00
T4	4,501 - 8,000	700.00
T5	8,001 - 12,500	1,500.00
T6	12,501 and over	2,500.00

999 Aircraft manufactured before 1946 shall pay the lesser of one hundred
 1000 dollars or the fee as required on the basis of gross weight as set forth in
 1001 this section. The commissioner may establish, by regulations adopted
 1002 in accordance with the provisions of chapter 54, a uniform schedule for
 1003 the expiration and renewal of registrations and may prorate the fees in
 1004 this section accordingly. Any person or firm that acquires ownership
 1005 of an aircraft shall [be required to] obtain a new registration in the
 1006 name of such owner within thirty days of the date of such acquisition,

1007 provided no additional registration fee shall be payable in cases where
1008 one or more new ownership interests are being added to the
1009 registration or in cases of legal change of name of the registrant. All
1010 registrations [must] shall be renewed within thirty days of the date of
1011 expiration as stated in the certificate. If a valid certificate or number
1012 decal is lost, mutilated or destroyed, the aircraft owner shall notify the
1013 municipal registration official within fifteen days, and such owner
1014 shall be issued a duplicate certificate or number decal upon payment
1015 of a fee of five dollars.

1016 Sec. 61. Section 13b-44 of the general statutes is repealed and the
1017 following is substituted in lieu thereof (*Effective October 1, 2003*):

1018 (a) The state may establish, maintain and operate, and may expand,
1019 an airport at any location within the state in the following manner. The
1020 commissioner shall conduct and complete a study of the adequacy of
1021 existing airports, which study may be based upon the study
1022 authorized under section 13b-16, and shall determine the necessity for
1023 the establishment of additional airports or the expansion of existing
1024 airports. The commissioner shall, within one year of the completion of
1025 such study, formulate and adopt a plan of development which shall
1026 incorporate the findings of such study, showing the necessity for such
1027 establishment or expansion, in a manner consistent with the
1028 comprehensive long-range master transportation plan. The plan of
1029 development shall specify the lands or interests [therein] in such lands
1030 the acquisition of which the commissioner deems necessary for such
1031 establishment or expansion and a copy of such plan of development
1032 shall be filed in the office of the town clerk of each municipality in
1033 which such establishment or expansion is proposed.

1034 (b) The commissioner shall cause a public hearing to be held at the
1035 expense of the department in each municipality in which such lands or
1036 interests [therein] in such lands are located. At such hearing the
1037 commissioner shall present and explain the plan of development, and
1038 any persons who are opposed to such plan may be heard and may
1039 state their reasons [therefor] for such opposition. Such hearing shall be

1040 held not earlier than thirty days after such plan has been filed in the
1041 office of the town clerk of the municipality. Notice of the time and
1042 place of such hearing shall be published in a newspaper having a
1043 substantial circulation in such municipality at least twice, at intervals
1044 of not less than two days, the first not more than fifteen days nor less
1045 than ten days and the second not less than two days before such
1046 hearing.

1047 (c) Upon the completion of such hearing, the commissioner shall
1048 consider all the evidence relevant to the proposed plan of
1049 development, and if [he] the commissioner determines that the airport
1050 establishment or expansion provided in the plan is necessary, shall
1051 make such changes or modifications in the plan as are in the public
1052 interest. The commissioner shall file a copy of the revised plan,
1053 showing the changes or modifications made, in the office of the town
1054 clerk of the municipality and shall notify and send a copy of such
1055 revised plan to the chief executive officer or first selectman of such
1056 municipality. Such notice shall contain the request that the
1057 municipality approve the proposed establishment or expansion, which
1058 approval shall be by vote of a town or borough, and by vote of the city
1059 council of a city.

1060 (d) If the municipality fails or neglects to act upon a request for
1061 approval within sixty days after the receipt [thereof] of such request by
1062 its chief executive officer or first selectman, the municipality shall be
1063 deemed to have approved of such establishment or expansion. If the
1064 municipality by vote disapproves of the establishment or expansion,
1065 the commissioner may, within thirty days following such vote, appeal
1066 to the superior court for the judicial district in which the municipality
1067 is located and the appeal shall be accorded a privileged status. The
1068 court shall, after hearing, determine whether the commissioner has
1069 proven the necessity for the establishment or expansion of an airport
1070 within the municipality and the burden of proving such necessity shall
1071 be upon the commissioner. If the court, after hearing, determines that
1072 the commissioner has not sustained such burden of proof, the court
1073 shall enter judgment for, and may award reasonable costs to, the

1074 municipality. If the court, after hearing, determines that the
1075 commissioner has sustained such burden of proof, the court may set
1076 aside the action of the municipality disapproving the establishment or
1077 expansion and may enter such order upon such terms and conditions
1078 as it deems appropriate to safeguard the rights of the parties and the
1079 public.

1080 (e) After a plan has been legally approved, or its disapproval has
1081 been set aside by the Superior Court, the state may take any lands or
1082 interests [therein] in such lands contained in the plan upon paying just
1083 compensation to the owner. In case the state cannot agree with such
1084 owner [upon] on the amount of such compensation, the amount shall
1085 be determined in the manner prescribed in section 48-12. An appeal
1086 from the amount so determined shall not act as a stay of the taking of
1087 such land, provided no facility or land or interest [therein] in such land
1088 held by a public service company for service to the public shall be so
1089 taken or removed unless, at the expense of the state, an adequate and
1090 equal substitute approved by the Department of Public Utility Control
1091 shall first be provided.

1092 Sec. 62. Section 13b-45 of the general statutes is repealed and the
1093 following is substituted in lieu thereof (*Effective October 1, 2003*):

1094 Before exercising any of the powers conferred in sections 13b-43 and
1095 13b-44, as amended by this act, the commissioner shall establish and
1096 publish in detailed form, available to the public, the standards [he] the
1097 commissioner has adopted and will apply in making a determination
1098 that public convenience and necessity require the taking of any parcel
1099 of land or interest [therein] in such land.

1100 Sec. 63. Section 13b-48 of the general statutes is repealed and the
1101 following is substituted in lieu thereof (*Effective October 1, 2003*):

1102 Upon receipt of any application for a certificate of approval of an
1103 airport, heliport or restricted landing area, or an original license to use
1104 or operate an airport, heliport, restricted landing area or other air
1105 navigation facility, the commissioner shall send notice thereof by

1106 registered or certified mail to the chief executive officer or first
1107 selectman of the municipality or municipalities in which the proposed
1108 airport, heliport, restricted landing area or other air navigation facility
1109 is proposed to be located. If the applicant, or such municipality within
1110 fifteen days after receipt of such notice, requests a public hearing, the
1111 commissioner shall set a time and place [therefor] for such hearing in
1112 the municipality in which the proposed airport, heliport, restricted
1113 landing area or other air navigation facility is proposed to be situated,
1114 at which hearing interested parties shall have an opportunity to be
1115 heard. The commissioner may [in his discretion] hold a public hearing
1116 in any case where no such request is made. Notice of any such hearing
1117 shall be published by the commissioner in a newspaper of general
1118 circulation in such municipality at least twice, the first publication to
1119 be at least fifteen days prior to the date of the hearing. Upon the
1120 conclusion of such hearing, the commissioner shall consider all the
1121 relevant evidence and shall issue an order granting or denying such
1122 application, written notice of which shall be sent by registered or
1123 certified mail to the applicant and to the chief executive officer or the
1124 first selectman of the municipality or municipalities in which the
1125 proposed airport, heliport, restricted landing area or other air
1126 navigation facility is to be located. Orders issued pursuant to this
1127 section shall comply with the requirements of section 15-66 and shall
1128 be subject to appeal as provided in section 15-67.

1129 Sec. 64. Section 13b-49 of the general statutes is repealed and the
1130 following is substituted in lieu thereof (*Effective October 1, 2003*):

1131 The commissioner may revoke temporarily or permanently any
1132 certificate of approval or license upon a determination that an airport,
1133 heliport, restricted landing area or other navigation facility is not being
1134 maintained or used in accordance with the provisions of this chapter,
1135 or chapter 266, or any regulations [promulgated] adopted pursuant
1136 [thereto] to said chapters.

1137 Sec. 65. Section 13b-50 of the general statutes is repealed and the
1138 following is substituted in lieu thereof (*Effective October 1, 2003*):

1139 (a) The commissioner [is authorized to] may cooperate with the
1140 government of the United States or any agency or department thereof
1141 in the acquisition, construction, improvement, maintenance and
1142 operation of airports, heliports, landing fields and other aeronautical
1143 facilities in this state where federal financial aid is received and to
1144 comply with the provisions of the laws of the United States and any
1145 regulations made [thereunder] under such laws for the expenditure of
1146 federal moneys upon such airports, heliports and facilities. The
1147 commissioner [is authorized to] may accept, receive and receipt for
1148 federal or other moneys for and in behalf of this state or any political
1149 subdivision thereof for the acquisition, construction, improvement,
1150 maintenance and operation of facilities within this state. All moneys
1151 accepted for disbursement by the commissioner pursuant to this
1152 subsection shall be deposited in the state treasury and disbursed in
1153 accordance with the provisions of the respective grants.

1154 (b) Any municipality [is authorized to] may accept, receive and
1155 receipt for federal moneys and other moneys, either public or private,
1156 for the acquisition, construction, enlargement, improvement,
1157 maintenance, equipment or operation of airports and other air
1158 navigation facilities and sites therefor and to comply with the
1159 provisions of the laws of the United States and any rules and
1160 regulations made [thereunder] under such laws for the expenditure of
1161 federal moneys upon such airports and facilities. No municipality shall
1162 submit to the administrator of civil aeronautics of the United States
1163 any project application under the provisions of Section 9(a) of Public
1164 Law 377, 79th Congress, or any amendment thereof, unless the project
1165 and the project application have been approved by the commissioner.

1166 (c) Any municipality [is authorized to] may designate by ordinance
1167 the commissioner as its agent to accept, receive and receipt for federal
1168 moneys in its behalf for airport purposes and to contract for the
1169 acquisition, construction, enlargement, improvement, maintenance,
1170 equipment or operation of such airports or other air navigation
1171 facilities, and may enter into an agreement with the commissioner
1172 prescribing the terms and conditions of such agency in accordance

1173 with federal laws, rules and regulations and applicable laws of this
1174 state. Such moneys as are paid by the United States government shall
1175 be paid to such municipality under such terms and conditions as may
1176 be imposed by the United States in making such grant.

1177 (d) All contracts for the acquisition, construction, enlargement,
1178 improvement, maintenance, equipment or operation of airports or
1179 other air navigation facilities, made by the municipality itself or
1180 through the commissioner, shall be made pursuant to the laws of this
1181 state governing the making of like contracts; provided, where such
1182 acquisition, construction, improvement, enlargement, maintenance,
1183 equipment or operation is financed wholly or partly with federal
1184 moneys, the municipality, or the commissioner as its agent, may let
1185 contracts in the manner prescribed by the federal authorities, acting
1186 under the laws of the United States, and any rules or regulations made
1187 [thereunder] under such laws, notwithstanding any other state law to
1188 the contrary.

1189 (e) The commissioner may render financial assistance by grant of
1190 funds to any municipality or municipalities acting jointly in the
1191 planning, acquisition, construction or improvement of an airport
1192 owned or controlled, or to be owned or controlled, by such
1193 municipality or municipalities, out of appropriations made by the
1194 General Assembly for such purposes. Such financial assistance may be
1195 furnished in connection with federal or other financial aid for the same
1196 purposes for not more than seventy-five per cent of the cost exclusive
1197 of federal aid. The commissioner may, by [regulation] regulations
1198 adopted, in accordance with chapter 54, establish [procedure]
1199 procedures to be followed in granting funds under this subsection and
1200 may prescribe forms to be used in connection [therewith] with such
1201 procedures.

1202 (f) The commissioner may [, whenever he considers such assistance
1203 desirable or feasible, make available] make engineering and other
1204 technical services of the department available, whenever the
1205 commissioner considers such assistance desirable or feasible, with or

1206 without charge, to any municipality or owner of a commercial airport
1207 requesting such services in connection with the planning, acquisition,
1208 construction, improvement, maintenance or operation of airports or
1209 aeronautical facilities.

1210 (g) Any town, city or borough may lease any airport or contract for
1211 any airport facilities or privileges from any person, firm or
1212 corporation, municipal or private, operating a municipal or private
1213 airport in any location which has been approved by the commissioner.

1214 Sec. 66. Section 13b-55 of the general statutes is repealed and the
1215 following is substituted in lieu thereof (*Effective October 1, 2003*):

1216 The commissioner [is authorized to] may sell and convey any land,
1217 right in land, riparian right or other property or right in property, of
1218 whatever kind, that [he] the commissioner may acquire pursuant to
1219 section 13b-53, which is in excess of the quantity [thereof] required for
1220 the purpose for which it was acquired, and to execute and deliver
1221 appropriate conveyances of such property in behalf of the state. No
1222 such sale or conveyance shall be made without the prior consent of the
1223 Secretary of the Office of Policy and Management and the
1224 Commissioner of Public Works and the State Properties Review Board.

1225 Sec. 67. Section 13b-57e of the general statutes is repealed and the
1226 following is substituted in lieu thereof (*Effective October 1, 2003*):

1227 (a) There is [created] established the Connecticut Transportation
1228 Strategy Board, the members of which shall be appointed as follows:

1229 (1) Five members from the private sector who have expertise in
1230 transportation, business, finance or law as follows: (A) The Governor
1231 shall appoint one member, who shall be the chairperson, and whose
1232 first term shall expire on June 30, 2005, (B) the president pro tempore
1233 of the Senate shall appoint one member whose first term shall expire
1234 on June 30, 2004, (C) the speaker of the House of Representatives shall
1235 appoint one member whose first term shall expire on June 30, 2003, (D)
1236 the minority leader of the Senate shall appoint one member whose first

1237 term shall expire on June 30, 2003, and (E) the minority leader of the
1238 House of Representatives shall appoint one member whose first term
1239 shall expire on June 30, 2002;

1240 (2) One member from each TIA, for which position the chairpersons
1241 of the board of the local planning agencies in such TIA, after
1242 consulting with the participants in such TIA, shall nominate, for
1243 consideration by the appointing authority, three individuals who live
1244 in such TIA and who have significant experience in and knowledge of
1245 local, regional and state governmental processes, including at least one
1246 chief elected official in a town in such TIA, and who shall be appointed
1247 as follows: (A) The chairpersons of the joint standing committee of the
1248 General Assembly having cognizance of matters relating to
1249 transportation shall appoint one member from the southeast corridor
1250 TIA, whose first term shall expire on June 30, 2002, (B) the president
1251 pro tempore of the Senate shall appoint one member from the I-91
1252 corridor TIA, whose first term shall expire on June 30, 2003, (C) the
1253 speaker of the House of Representatives shall appoint one member
1254 from the coastal corridor TIA, whose first term shall expire on June 30,
1255 2004, (D) the majority leader of the Senate shall appoint one member
1256 from the I-395 corridor TIA, whose first term shall expire on June 30,
1257 2005, and (E) the majority leader of the House of Representatives shall
1258 appoint one member from the I-84 corridor TIA, whose first term shall
1259 expire on June 30, 2005; and

1260 (3) The Commissioners of Transportation, Environmental
1261 Protection, Economic and Community Development and Public Safety,
1262 and the Secretary of the Office of Policy and Management. [; and]

1263 (b) Upon the expiration of the term of a member of the board who is
1264 appointed as provided in subdivision (1) or (2) of subsection (a) of this
1265 section, each subsequent appointee to the board shall serve for a term
1266 of four years. No person shall serve as a member of the board for more
1267 than two consecutive terms. A vacancy in the position of an appointed
1268 board member shall be filled by the appointing authority for the
1269 remainder of the term.

1270 (c) The board may [create] establish such subcommittees as it deems
1271 appropriate and appoint the members of such subcommittees from
1272 among its members. Ten members of the board shall be present to
1273 constitute a quorum.

1274 (d) The members of the board shall not be compensated for their
1275 service as members of the board.

1276 (e) The board may issue guidelines for coordination and
1277 organization to the TIAs. These guidelines shall not constitute
1278 regulations, as defined in subdivision (13) of section 4-166.

1279 (f) The [staff of the] Department of Transportation, the Office of
1280 Policy and Management and the Department of Economic and
1281 Community Development shall provide staff assistance to the board.
1282 Within available appropriations, the board may hire consultants with
1283 approval by the Secretary of the Office of Policy and Management and
1284 such consultants shall be procured through the Department of
1285 Transportation.

1286 (g) The Transportation Strategy Board is a public agency, as defined
1287 in section 1-200, for purposes of the Freedom of Information Act, and
1288 is a quasi-public agency, as defined in section 1-79, for purposes of
1289 chapter 10.

1290 Sec. 68. Subsection (i) of section 13b-59 of the general statutes is
1291 repealed and the following is substituted in lieu thereof (*Effective*
1292 *October 1, 2003*):

1293 (i) "Treasurer" means the State Treasurer and includes each [and all
1294 of his successors] successor in office or authority.

1295 Sec. 69. Section 13b-61a of the general statutes is repealed and the
1296 following is substituted in lieu thereof (*Effective October 1, 2003*):

1297 [Notwithstanding the provisions of section 13b-61, for calendar
1298 quarters ending on or after September 30, 1998, and prior to September
1299 30, 1999, the Commissioner of Revenue Services shall deposit into the

1300 Special Transportation Fund established under section 13b-68 five
1301 million dollars of the amount of funds received by the state from the
1302 tax imposed under section 12-587 on the gross earnings from the sales
1303 of petroleum products attributable to sales of motor vehicle fuel, for
1304 calendar quarters ending September 30, 1999, and prior to September
1305 30, 2000, the commissioner shall deposit into the Special
1306 Transportation Fund nine million dollars of the amount of such funds
1307 received by the state from the tax imposed under said section 12-587
1308 on the gross earnings from the sales of petroleum products attributable
1309 to sales of motor vehicle fuel;] Notwithstanding the provisions of
1310 section 13b-61, for calendar quarters ending September 30, 2000, and
1311 prior to September 30, 2002, the commissioner shall deposit into the
1312 Special Transportation Fund eleven million five hundred thousand
1313 dollars of the amount of such funds received by the state from the tax
1314 imposed under [said] section 12-587, on the gross earnings from the
1315 sales of petroleum products attributable to sales of motor vehicle fuel,
1316 for the calendar quarters ending September 30, 2002, and prior to
1317 September 30, 2003, the commissioner shall deposit into the Special
1318 Transportation Fund, five million dollars of the amount of such funds
1319 received by the state from the tax imposed under [said] section 12-587
1320 on the gross earnings from the sales of petroleum products attributable
1321 to sales of motor vehicle fuel, and for the calendar quarter ending
1322 September 30, 2003, and each calendar quarter thereafter, the
1323 commissioner shall deposit into the Special Transportation Fund, five
1324 million two hundred fifty thousand dollars of the amount of such
1325 funds received by the state from the tax imposed under [said] section
1326 12-587 on the gross earnings from the sales of petroleum products
1327 attributable to sales of motor vehicle fuel.

1328 Sec. 70. Section 13b-68 of the general statutes is repealed and the
1329 following is substituted in lieu thereof (*Effective October 1, 2003*):

1330 There is established [and created] a fund to be known as the "Special
1331 Transportation Fund". The fund may contain any moneys required or
1332 permitted by law to be deposited in the fund and any moneys
1333 recovered by the state for overpayments, improper payments or

1334 duplicate payments made by the state relating to any transportation
1335 infrastructure improvements which have been financed by special tax
1336 obligation bonds issued pursuant to sections 13b-74 to 13b-77,
1337 inclusive, and shall be held by the State Treasurer separate and apart
1338 from all other moneys, funds and accounts. Investment earnings
1339 credited to the assets of said fund shall become part of the assets of
1340 said fund. Any balance remaining in said fund at the end of any fiscal
1341 year shall be carried forward in said fund for the fiscal year next
1342 succeeding.

1343 Sec. 71. Subsections (l) and (m) of section 13b-76 of the general
1344 statutes are repealed and the following is substituted in lieu thereof
1345 (*Effective October 1, 2003*):

1346 (l) Any bonds issued under the provisions of sections 13b-74 to 13b-
1347 77, inclusive, and any general obligation bonds of the state issued for
1348 transportation purposes, as defined in subsection (c) of section 13b-69,
1349 and at any time outstanding may, at any time and from time to time,
1350 be refunded by the state by the issuance of its refunding bonds in such
1351 amounts as the State Bond Commission may deem necessary, but not
1352 to exceed an amount sufficient to refund the principal of the bonds to
1353 be so refunded, to pay any unpaid interest [thereon] on such bonds
1354 and any premiums and commissions necessary to be paid in
1355 connection [therewith] with such bonds and to pay costs and expenses
1356 which the Treasurer may deem necessary or advantageous in
1357 connection with the authorization, sale and issuance of refunding
1358 bonds. Any such refunding may be effected whether the bonds to be
1359 refunded shall have matured or shall thereafter mature. All refunding
1360 bonds issued [hereunder] under this subsection shall be payable solely
1361 from the revenues or other receipts, funds or moneys out of which the
1362 bonds to be refunded thereby are payable and shall be subject to and
1363 may be secured in accordance with the provisions of this section.

1364 (m) Whenever the issuance of bonds has been authorized pursuant
1365 to sections 13b-74 to 13b-77, inclusive, the Treasurer may, pending the
1366 issuance [thereof] of such bonds, and, subject to any applicable terms

1367 or provisions of the proceedings authorizing such issuances, issue, in
1368 the name of the state, bond anticipation notes and any renewals
1369 [thereof] of such notes. Notes evidencing such borrowings shall be
1370 designated "Bond Anticipation Notes" and shall be signed by the
1371 Treasurer or [his deputy] the deputy treasurer. The principal of and
1372 interest on any bond anticipation notes issued pursuant to this
1373 subsection may be repaid from pledged revenues or other pledged
1374 receipts, funds or moneys, to the extent not paid from the proceeds of
1375 renewals [thereof] of such notes or of the bonds. Upon the sale of the
1376 bonds, the proceeds [thereof] of such bonds, to the extent required,
1377 shall be applied [forthwith] immediately to the payment of the
1378 principal of and interest on any bond anticipation notes or shall be
1379 deposited in trust for such purpose. The date or dates of such bond
1380 anticipation notes, the maturities, denominations, form, details and
1381 other particulars of such bond anticipation notes, including the
1382 method, terms and conditions for the issue and sale [thereof] of such
1383 notes, shall be determined by the Treasurer in the best interest of the
1384 state, and the Treasurer shall file with the secretary of the State Bond
1385 Commission on or before the date of delivery of such bond
1386 anticipation notes a certificate of determination setting forth the
1387 specific details and particulars of each issue of bond anticipation notes,
1388 including renewals [thereof] of such notes.

1389 Sec. 72. Subsection (a) of section 13b-83 of the general statutes is
1390 repealed and the following is substituted in lieu thereof (*Effective*
1391 *October 1, 2003*):

1392 (a) Upon the granting of a certificate of public convenience and
1393 necessity, the holder [thereof] of such certificate may apply for the
1394 registration of any motor bus of which [he] such holder is the owner or
1395 lessee and which is to be used as specified in such certificate. [, and
1396 the] The Commissioner of Motor Vehicles shall have jurisdiction over
1397 the registration of any motor bus, [and] its exterior lighting equipment
1398 and [over] the licensing of its operator.

1399 Sec. 73. Subsection (d) of section 13b-89 of the general statutes is

1400 repealed and the following is substituted in lieu thereof (*Effective*
1401 *October 1, 2003*):

1402 (d) Upon the granting of a permit, the holder [thereof] of such
1403 permit may apply for the registration of any motor bus of which [he]
1404 such holder is the owner or lessee and which is to be used as specified
1405 in such permit. [, and the] The Commissioner of Motor Vehicles shall
1406 have jurisdiction over the registration of any such motor bus, [and] its
1407 exterior lighting equipment and [over] the licensing of its operator.

1408 Sec. 74. Section 13b-95 of the general statutes is repealed and the
1409 following is substituted in lieu thereof (*Effective October 1, 2003*):

1410 The term "taxicab" [means and] includes any motor vehicle operated
1411 upon any street or highway or on call or demand accepting or
1412 soliciting passengers indiscriminately for transportation for hire
1413 between such points along streets or highways as may be directed by
1414 the passenger or passengers [so] being transported, provided nothing
1415 in this chapter shall be construed to include, as a taxicab, a motor bus,
1416 as defined in section 14-1, or a motor vehicle in livery service when
1417 such motor vehicle is hired for a specific trip or trips and is subject to
1418 the direction of the person hiring the same.

1419 Sec. 75. Section 13b-96 of the general statutes is repealed and the
1420 following is substituted in lieu thereof (*Effective October 1, 2003*):

1421 (a) Each person, association, limited liability company or
1422 corporation owning or operating a taxicab is declared a common
1423 carrier and subject to the jurisdiction of the Department of
1424 Transportation. The Commissioner of Transportation [is authorized to]
1425 may prescribe adequate service and reasonable rates and charges. The
1426 commissioner may adopt regulations, in accordance with chapter 54,
1427 for the purpose of establishing fares, service, operation and equipment
1428 as [it deems] necessary for the convenience, protection and safety of
1429 passengers and the public. Notwithstanding the provisions of this
1430 subsection and any regulation adopted under this subsection relative
1431 to any wheel base requirement, any sedan or station wagon type

1432 vehicle powered by a clean alternative fuel and having a wheel base of
1433 not less than one hundred two inches may be used to provide taxicab
1434 service.

1435 (b) The rates and charges established pursuant to subsection (a) of
1436 this section shall not apply to any person, association [,] or corporation
1437 (1) operating a taxicab engaged in the transportation of passengers for
1438 hire pursuant to a contract with, or a lower tier contract for, any
1439 federal, state or municipal agency, (2) certified pursuant to section 13b-
1440 97 prior to May 22, 1998, and (3) registered pursuant to section 13b-99
1441 prior to May 22, 1998.

1442 Sec. 76. Section 13b-101 of the general statutes is repealed and the
1443 following is substituted in lieu thereof (*Effective October 1, 2003*):

1444 The term "motor vehicle in livery service" [means and] includes
1445 every motor vehicle used by any person, association, limited liability
1446 company or corporation which represents itself to be in the business of
1447 transporting passengers for hire, except (1) any motor bus and any
1448 taxicab operated under a certificate of public convenience and
1449 necessity issued by the Department of Transportation, (2) any school
1450 bus, as defined in section 14-275, or student transportation vehicle, as
1451 defined in section 14-212, when used for the transportation of children
1452 under the age of twenty-one years, and (3) any school bus, as defined
1453 in section 14-275, when used for the transportation of passengers (A)
1454 by virtue of a contract with any public or private institution of higher
1455 education, (B) pursuant to a contract for service to a special event held
1456 at a location or facility which is not open for business on a daily basis
1457 throughout the year, not to exceed a period of ten days, or (C)
1458 pursuant to a contract with a municipality for which the carrier
1459 provides school transportation service.

1460 Sec. 77. Subsection (d) of section 13b-103 of the general statutes is
1461 repealed and the following is substituted in lieu thereof (*Effective*
1462 *October 1, 2003*):

1463 (d) The owner or operator of each motor vehicle in livery service

1464 shall display [therein] in such vehicle such permit or a memorandum
1465 thereof.

1466 Sec. 78. Section 13b-106 of the general statutes is repealed and the
1467 following is substituted in lieu thereof (*Effective October 1, 2003*):

1468 Upon the issuance of a permit as [hereinbefore] provided in section
1469 13b-103, as amended by this act, or 13b-105, the holder [thereof] of
1470 such permit may apply to the Commissioner of Motor Vehicles for the
1471 registration of any motor vehicle of which [he] such holder is the
1472 owner or lessee, to be used as specified in such permit, any provision
1473 of section 14-12 to the contrary notwithstanding. [, and the] The
1474 Commissioner of Motor Vehicles shall have jurisdiction over such
1475 registration, [and] the exterior lighting equipment of such motor
1476 vehicle and [over] the licensing of its operator. An operator of a motor
1477 vehicle which has a capacity of less than ten adults shall conspicuously
1478 display the assigned livery registration while the motor vehicle is
1479 operating in livery service. Said commissioner may suspend such
1480 registration and the license of such operator for the violation of any
1481 provision of this chapter or any order or regulation prescribed or
1482 established under such provision, for such term as [he] the
1483 commissioner deems advisable.

1484 Sec. 79. Section 13b-107 of the general statutes is repealed and the
1485 following is substituted in lieu thereof (*Effective from passage*):

1486 (a) Any person, while operating a passenger motor vehicle
1487 registered in this state between [his] such person's place of residence
1488 and [his] place of employment, may carry for reasonable compensation
1489 not more than five other persons regularly employed in the locality of
1490 such person's place of employment without obtaining a livery license
1491 or a permit from the Department of Transportation.

1492 (b) Any corporation or employee of such corporation may operate
1493 one or more vanpool vehicles each having a seating capacity of not
1494 more than fifteen passengers for the purpose of transporting persons
1495 to and from their place of employment without obtaining a livery

1496 license or permit from the Department of Transportation.

1497 (c) Any person affiliated with any program receiving federal or state
1498 funds for welfare-to-work related transportation who operates a motor
1499 vehicle registered in this state for the purpose of transporting persons
1500 who participate in such program may carry such persons for a minimal
1501 fee to and from their place of employment without obtaining a livery
1502 license or a permit from the Department of Transportation.

1503 Sec. 80. Subsection (a) of section 13b-108a of the general statutes is
1504 repealed and the following is substituted in lieu thereof (*Effective*
1505 *October 1, 2003*):

1506 (a) The Commissioner of Transportation [is authorized to] may
1507 enter into reciprocal agreements or plans on behalf of the state of
1508 Connecticut with the appropriate authorities of any state of the United
1509 States, or any political subdivision thereof, or the District of Columbia,
1510 granting reciprocity to motor vehicles in livery services, as defined in
1511 section 13b-101, as amended by this act. Any such reciprocal
1512 agreement or plan may include, but not be limited to, the following: (1)
1513 Full reciprocity in accordance with such agreement or plan for livery
1514 services not based in Connecticut in exchange for equivalent
1515 reciprocity for Connecticut-based livery services; (2) reciprocal
1516 exchange of audits of records of the owners of livery services by the
1517 states participating in any such agreement or plan; (3) any other
1518 matters which would facilitate the administration of such agreement or
1519 plan, including exchange of information for audits, enforcement
1520 activities and collection and disbursement of proportional registration
1521 fees for other jurisdictions in the case of Connecticut-based livery
1522 services.

1523 Sec. 81. Section 13b-234 of the general statutes is repealed and the
1524 following is substituted in lieu thereof (*Effective October 1, 2003*):

1525 When the facilities of a railroad are acquired, and operation
1526 [thereof] of such railroad is continued, by any person, trustee, receiver,
1527 railroad company, public authority or other authority constituting a

1528 body corporate and politic, the on-train employees of such railroad
1529 shall retain all of their employees' rights and benefits to which they
1530 were entitled prior to such acquisition. [On-train] For the purposes of
1531 this section, on-train employees [should be defined as] means
1532 trainmen, firemen [and] or engineers. [This] The provisions of this
1533 section [should] do not apply to the sale or lease of individual parcels
1534 of land such as stations or parking lots.

1535 Sec. 82. Subsection (a) of section 13b-251 of the general statutes is
1536 repealed and the following is substituted in lieu thereof (*Effective from*
1537 *passage*):

1538 (a) The minimum overhead clearance for any structure crossing
1539 over railroad tracks for which construction is begun on or after
1540 October 1, 1986, shall be twenty feet, six inches, except that, (1) if the
1541 construction includes only deck replacement or minor widening of the
1542 structure, and the existing piers or abutments remain in place, the
1543 minimum overhead clearance shall be the structure's existing overhead
1544 clearance; (2) the minimum overhead clearance for any structure
1545 crossing any railroad tracks on which trains are operated that are
1546 attached to or powered by means of overhead electrical wires shall be
1547 twenty-two feet, six inches; (3) the minimum overhead clearance for
1548 the structure that carries (A) Route 372 over railroad tracks in New
1549 Britain, designated state project number 131-156, (B) U.S. Route 1 over
1550 railroad tracks in Fairfield, designated state project number 50-6H05,
1551 (C) Route 729 over railroad tracks in North Haven, designated state
1552 project number 100-149, (D) Grove Street over railroad tracks in
1553 Hartford, designated state project number 63-376, (E) Route 1 over
1554 railroad tracks in Milford, designated state project number 173-117, (F)
1555 Ingham Hill Road over railroad tracks in Old Saybrook, designated
1556 state project number 105-164, (G) Ellis Street over railroad tracks in
1557 New Britain, designated state project number 88-114, (H) Route 100
1558 over the railroad tracks in East Haven, bridge number 01294, and (I)
1559 Church Street Extension over certain railroad storage tracks located in
1560 the New Haven Rail Yard, designated state project number 92-526,
1561 shall be eighteen feet; (4) the minimum overhead clearance for those

1562 structures carrying (A) Fair Street, bridge number 03870, (B) Crown
1563 Street, bridge number 03871, and (C) Chapel Street, bridge number
1564 03872, over railroad tracks in New Haven shall be seventeen feet, six
1565 inches; (5) the minimum overhead clearance for the structure carrying
1566 State Street railroad station pedestrian bridge over railroad tracks in
1567 New Haven shall be nineteen feet, ten inches; (6) the overhead
1568 clearance for the structure carrying Woodland Street over the Griffins
1569 Industrial Line in Hartford, designated state project number 63-501,
1570 shall be fifteen feet, nine inches, with new foundations placed at
1571 depths which may accommodate an overhead clearance to a maximum
1572 of seventeen feet, eight inches; [and] (7) the Department of
1573 Transportation may replace the Hales Road Highway Bridge over
1574 railroad tracks in Westport, Bridge Number 03852, with a new bridge
1575 that provides a minimum overhead clearance over the railroad tracks
1576 that shall be eighteen feet, five inches; and (8) the Department of
1577 Transportation may replace the Pearl Street Highway Bridge over
1578 railroad tracks in Middletown, Bridge Number 04032, with a new
1579 bridge that provides a minimum overhead clearance over the railroad
1580 tracks that shall be seventeen feet, eleven inches.

1581 Sec. 83. Subsection (c) of section 13b-251 of the general statutes is
1582 repealed and the following is substituted in lieu thereof (*Effective*
1583 *October 1, 2003*):

1584 (c) Any proposed legislation which grants an exemption from the
1585 minimum overhead clearance requirements in subsection (a) of this
1586 section shall be accompanied by a written statement from the
1587 Department of Transportation which shall include the following
1588 information: (1) The impacts associated with raising the bridge to meet
1589 the clearance requirements; (2) the estimated cost of raising the bridge
1590 to meet the clearance requirements; and (3) an assessment, including
1591 the estimated cost, of the feasibility of increasing the clearance by
1592 undercutting at least one track of the railroad or by a combination of
1593 undercutting and raising the bridge to meet the clearance
1594 requirements.

1595 Sec. 84. Section 13b-252 of the general statutes is repealed and the
1596 following is substituted in lieu thereof (*Effective October 1, 2002*):

1597 [Section 13b-251] The provisions of section 13b-251, as amended by
1598 this act, shall not apply to any structure for which construction is
1599 authorized by or begun pursuant to any special act.

1600 Sec. 85. Section 13b-271 of the general statutes is repealed and the
1601 following is substituted in lieu thereof (*Effective October 1, 2003*):

1602 The Commissioner of Transportation, on the application in writing
1603 of the [the] selectmen of any town, the mayor and common council of
1604 any city or the warden and burgesses of any borough or on [his] the
1605 commissioner's own motion, may make all necessary orders
1606 concerning the establishment of a temporary grade crossing over the
1607 tracks of any railway during the period of construction of a permanent
1608 grade separation structure which will carry a highway over or under
1609 such tracks, provided the state, town, city or borough making such
1610 application shall bear the cost of any necessary signs, signals, gates,
1611 flagmen or other protective devices.

1612 Sec. 86. Subsections (b) and (c) of section 13b-283 of the general
1613 statutes are repealed and the following is substituted in lieu thereof
1614 (*Effective October 1, 2003*):

1615 (b) The Commissioner of Transportation may expend up to the
1616 amount available annually from funds provided by specific
1617 appropriation from the Special Transportation Fund or other state
1618 funds in addition to any available federal funds to reconstruct, repair
1619 or replace with a new structure, together with the minimum approach
1620 work required for replacement, any existing structure carrying a town-
1621 maintained road or highway over a railroad when such structure is
1622 deemed critical from a traffic safety or load-carrying standpoint. The
1623 expense of any roadway construction on the approaches beyond what
1624 is required to build the new structure shall be paid by the town, if the
1625 work is done by or approved by the town.

1626 (c) The Commissioner of Transportation may expend up to the
1627 amount made available from funds provided by specific
1628 appropriations from the Special Transportation Fund or other state
1629 funds in addition to any available federal funds to eliminate highway-
1630 railroad grade crossings by construction of grade separation structures
1631 and necessary approaches or by relocation of town-maintained roads
1632 or highways to provide access to existing grade separation structures.

1633 Sec. 87. Section 13b-285 of the general statutes is repealed and the
1634 following is substituted in lieu thereof (*Effective October 1, 2003*):

1635 When a railroad has been laid out, located or constructed so near a
1636 highway as, in the opinion of the selectmen of any town, the mayor of
1637 any city or the warden of any borough within which such highway is
1638 situated, to endanger public travel, such selectmen, mayor or warden
1639 may bring [his] a petition to the Commissioner of Transportation,
1640 setting forth the facts; and the commissioner, after reasonable notice to
1641 the railroad company to appear and be heard in relation thereto, shall,
1642 if [in his opinion] public safety so requires and a change of the location
1643 of such highway is practicable, [forthwith] immediately order such
1644 company to make such change, in such manner as the commissioner
1645 may determine. The expense of such change, including the cost of
1646 fencing such relocated highway, shall, if such railroad has not been
1647 constructed at the time of bringing such petition, be paid by the
1648 company, but, if the railroad has been constructed at such time, one-
1649 half of such expense shall be paid by the company and one-half by
1650 such town, city or borough.

1651 Sec. 88. Section 13b-292 of the general statutes is repealed and the
1652 following is substituted in lieu thereof (*Effective October 1, 2003*):

1653 (a) [A] For the purposes of this section, private crossing [is defined
1654 as] means any private way, private drive or any facility other than a
1655 public highway for the use of pedestrians, motor vehicles or other
1656 types of conveyances, which crosses at grade any railroad track. [On
1657 and after June 20, 1961, no] No private crossing shall be established,
1658 except that the Commissioner of Transportation may authorize the

1659 establishment of a private crossing if it is deemed necessary for the
1660 economic welfare of the community but only after imposing specific
1661 requirements for the protection of persons using the crossing. The cost
1662 of meeting such protection requirements shall be borne by the party
1663 requesting such private crossing or the town, city or borough in which
1664 such crossing is located may, in its discretion, assume all or part of
1665 such cost. [This] The provisions of this section shall not apply to a
1666 private crossing [to be] used by a railroad company in connection with
1667 its operation or for access to its facilities.

1668 (b) Each town, city or borough shall erect and maintain traffic
1669 control devices within the limits of the railroad right-of-way at each
1670 private crossing, or each town, city or borough shall require the
1671 person, association or corporation that owns or has the right to use
1672 such crossing to erect and maintain such traffic control devices at each
1673 private crossing. Such order shall specify the time within which such
1674 protective measures shall be installed. Upon failure of a person,
1675 association or corporation to comply with an order issued pursuant to
1676 this subsection, the required installation shall be made by the authority
1677 issuing such order and the expense [thereof] of such installation shall
1678 be a lien on premises owned by such person, association or
1679 corporation. If under the provisions of subsection (d) of this section the
1680 Commissioner of Transportation and the State Traffic Commission
1681 order the erection of traffic control devices at a private crossing and
1682 the town, city or borough within which such crossing is located fails to
1683 erect or have erected such devices within one hundred [and] eighty
1684 days of such order, the Commissioner of Transportation and the State
1685 Traffic Commission shall order the railroad to erect such devices and
1686 the expense [thereof] of such erection shall be a lien on premises
1687 owned by the person, association or corporation that owns or has the
1688 right to use such crossing. If the Commissioner of Transportation and
1689 the State Traffic Commission prescribe traffic control measures in
1690 addition to traffic control devices, the town, city or borough shall
1691 invoke the provisions of this subsection for the purpose of complying
1692 with such order, and the cost [thereof] of such compliance, if one
1693 thousand dollars or less, shall be borne one-half by the town, city or

1694 borough and one-half by the property owner and, if over one thousand
1695 dollars, shall be borne one-sixth by the town, city or borough, one-
1696 sixth by the state, one-third by the property owner, and one-third by
1697 the railroad.

1698 (c) The town, city or borough within which any private way leads to
1699 a private crossing from a town, city or borough highway, and the
1700 Commissioner of Transportation, in the case of any private way which
1701 leads to a private crossing from a state highway, shall erect and
1702 maintain at the entrance to such private way a suitable sign warning of
1703 the railroad grade crossing.

1704 (d) The State Traffic Commission and the Commissioner of
1705 Transportation shall prescribe the nature of traffic control devices and
1706 traffic control measures to be erected at each private crossing and at
1707 approaches [thereto] to such private crossings.

1708 (e) The Commissioner of Transportation shall make all necessary
1709 orders for the closing of any private crossing if [he] the commissioner
1710 finds that the necessity for such crossing has ceased or that such
1711 private crossing constitutes a hazard to public safety. The
1712 commissioner may order the consolidation into one crossing of two or
1713 more private crossings located in close proximity to each other.

1714 (f) The provisions of section 13b-281 shall apply to private crossings.

1715 (g) Representatives of towns, cities, boroughs, railroads and state
1716 agencies [are authorized to] may enter private ways, drives or other
1717 facilities to the extent required to perform their duties pursuant to this
1718 section.

1719 (h) Any person who fails to comply with traffic control measures
1720 installed pursuant to this section shall be fined not more than one
1721 hundred dollars.

1722 Sec. 89. Section 13b-300 of the general statutes is repealed and the
1723 following is substituted in lieu thereof (*Effective October 1, 2003*):

1724 The Commissioner of Transportation shall make a special
1725 investigation as to the condition of the fences on the line of any
1726 railroad, when so requested in writing, and, if [he] the commissioner
1727 deems it necessary, shall issue [his] an order directing the company
1728 operating such railroad to erect or repair such fences. Such order shall
1729 specify the place or places at which, the manner in which and the time
1730 within which the fences are to be erected or repaired and shall be
1731 served upon the company. Such service may be made by mailing a
1732 registered or certified letter addressed to the secretary of the company.

1733 Sec. 90. Section 13b-302 of the general statutes is repealed and the
1734 following is substituted in lieu thereof (*Effective October 1, 2003*):

1735 When it is the duty of the owner of land adjoining any railroad to
1736 erect or maintain a fence between such land and such railroad and
1737 such owner has neglected to erect or maintain [the same] such fence
1738 and it has been erected or maintained by the railroad company in
1739 conformity to the order of the Commissioner of Transportation, such
1740 company may collect the cost of erecting and maintaining such fence
1741 from such owner. Such cost shall be a lien in favor of such company on
1742 such land, and such lien shall take precedence [of] over any other lien
1743 or encumbrance on such land and may be foreclosed in the same
1744 manner as a mortgage lien, but shall not continue in force unless such
1745 company, within sixty days after the completion of such fence, [lodges]
1746 files a certificate with the town clerk of the town in which such land is
1747 situated, describing such land and specifying the amount claimed as a
1748 lien [thereon] on such land and the dates of the commencement and
1749 completion of such fence, which certificate shall be recorded by such
1750 clerk on the land records of such town.

1751 Sec. 91. Section 13b-312 of the general statutes is repealed and the
1752 following is substituted in lieu thereof (*Effective October 1, 2003*):

1753 Any person, firm or corporation owning a railroad station in use as
1754 such in this state shall comply with all structural guidelines and
1755 standards for railroad stations, established by the [state] Department of
1756 Transportation, concerned with, but not limited to, the health, safety

1757 and security of all individuals using such stations.

1758 Sec. 92. Subsection (b) of section 13b-329 of the general statutes is
1759 repealed and the following is substituted in lieu thereof (*Effective*
1760 *October 1, 2003*):

1761 (b) The Commissioner of Transportation, with the advice of the
1762 Commissioner of Environmental Protection, may establish by
1763 regulation, in accordance with chapter 54, the maximum decibel levels
1764 which may be emitted by any audible signal attached to a train engine,
1765 provided such maximum decibel level shall not be less than eighty-
1766 seven decibels.

1767 Sec. 93. Section 13b-337 of the general statutes is repealed and the
1768 following is substituted in lieu thereof (*Effective October 1, 2003*):

1769 (a) Each person, firm or corporation operating or controlling any
1770 railroad running through or within this state shall equip each of its
1771 track motor cars with [(a)] (1) a windshield and a device for cleaning
1772 rain, snow and other moisture from such windshield, which device
1773 shall be maintained in good order and so constructed as to be
1774 controlled or operated by the operator of such track motor car, and
1775 [(b)] (2) a canopy or top of such construction as to adequately protect
1776 the occupants thereof from the rays of the sun, rain, snow or other
1777 inclement weather.

1778 (b) Any person, firm or corporation operating or controlling any
1779 railroad running through or within this state using or permitting to be
1780 used on its lines in this state a track motor car in violation of the
1781 provisions of subsection (a) of this section shall be fined one hundred
1782 dollars for each violation.

1783 Sec. 94. Subsection (c) of section 13b-354a of the general statutes is
1784 repealed and the following is substituted in lieu thereof (*Effective*
1785 *October 1, 2003*):

1786 (c) The Department of Transportation shall adopt regulations, in
1787 accordance with chapter 54, to carry out the provisions of this section.

1788 Sec. 95. Section 13b-376 of the general statutes is repealed and the
1789 following is substituted in lieu thereof (*Effective from passage*):

1790 (a) There is established an Operation Lifesaver Committee which
1791 shall be within the Department of Transportation for administrative
1792 purposes only. The committee shall establish an operation lifesaver
1793 program designed to reduce the number of accidents at railway
1794 crossings and to increase the public awareness of railroad crossing
1795 hazards. Said committee shall consist of the Commissioner of
1796 Transportation, [or his designee,] the Commissioner of Education [or
1797 his designee,] and the Commissioner of Public Safety, or [his designee]
1798 their designees, and [six] four members [appointed] as follows: [Two
1799 representatives of civic organizations, one appointed by the president
1800 pro tempore of the Senate and one appointed by the minority leader of
1801 the House of Representatives, a] A representative of the railroad
1802 industry, [appointed by the speaker of the House of Representatives,] a
1803 representative of a parent teacher association, [appointed by the
1804 majority leader of the Senate,] a representative of a local law
1805 enforcement agency, [appointed by the majority leader of the House of
1806 Representatives] and a local government official appointed by [the
1807 minority leader of the Senate] unanimous consent of the
1808 Commissioners of Transportation, Education and Public Safety, or
1809 their designees. The Commissioner of Transportation shall serve as
1810 chairperson of the committee. The committee shall meet at such times
1811 as it deems necessary. Any member absent from three consecutive
1812 meetings of the committee or fifty per cent of such meetings during
1813 any calendar year shall be deemed to have resigned from the
1814 committee, effective on the date that the chairperson provides
1815 notification to such member.

1816 (b) The Operation Lifesaver Committee shall: (1) Administer and
1817 operate the operation lifesaver program; (2) establish committees to
1818 promote the program on the local level; (3) educate the public with
1819 information designed to reduce the number of accidents, deaths and
1820 injuries at railroad and at-grade crossings; (4) encourage state and local
1821 law enforcement agencies to vigorously enforce the law governing

1822 motorist and pedestrian rights and responsibilities; (5) encourage the
1823 development of engineering and safety improvements; (6) encourage
1824 the maintenance of railroad and at-grade crossings; (7) make
1825 recommendations to the General Assembly implementing the
1826 purposes of the committee. The committee shall annually review its
1827 progress and submit its findings and recommendation to the joint
1828 standing committee of the General Assembly having cognizance of
1829 matters relating to transportation.

1830 (c) The Department of Transportation may adopt regulations, in
1831 accordance with the provisions of chapter 54, to carry out the purposes
1832 of this section.

1833 Sec. 96. Section 13b-406 of the general statutes is repealed and the
1834 following is substituted in lieu thereof (*Effective October 1, 2003*):

1835 Any certificate or permit may be assigned and transferred by the
1836 holder, [his] the holder's assignee, receiver or trustee, or by the holder's
1837 personal representative or the surviving partner or partners of the
1838 deceased partner's personal representative to whom the rights and
1839 privileges under such certificate or permit shall pass at the death of the
1840 holder. The Commissioner of Transportation may prescribe the
1841 conditions precedent to such transfer and may make any necessary
1842 regulations, in accordance with chapter 54, pertaining [thereto] to such
1843 transfer. Each application for such transfer shall be accompanied by a
1844 fee of fifty dollars.

1845 Sec. 97. Subsection (c) of section 14-262 of the general statutes is
1846 repealed and the following is substituted in lieu thereof (*Effective from*
1847 *passage*):

1848 (c) The maximum length of a single unit vehicle shall be forty-five
1849 feet and the maximum length of the semitrailer portion of a tractor-
1850 trailer unit shall be forty-eight feet. A trailer greater than forty-eight
1851 feet and less than or equal to fifty-three feet in length, that has a
1852 distance of no more than forty-three feet between the kingpin and the
1853 center of the rearmost axle with wheels in contact with the road

1854 surface, may be operated on (1) unless posted otherwise, United States
1855 and Connecticut routes numbered from 1 to 399, inclusive, 450, 476,
1856 508, 693 and 695 and the national system of interstate and defense
1857 highways, and (2) state and local roads for up to one mile from the
1858 routes and system specified in subdivision (1) of this subsection for
1859 access to terminals, facilities for food, fuel, repair and rest, and points
1860 of loading and unloading. The Commissioner of Transportation shall
1861 permit additional routes upon application of carriers or shippers
1862 provided the proposed additional routes meet the permit criteria of the
1863 Department of Transportation. Such length limitation shall be
1864 exclusive of safety and energy conservation devices, such as
1865 refrigeration units, air compressors or air shields and other devices,
1866 which the Secretary of the federal Department of Transportation may
1867 interpret as necessary for the safe and efficient operation of such
1868 vehicles, provided no such device has by its design or use the
1869 capability to carry cargo.

1870 Sec. 98. Section 21-52 of the general statutes is repealed and the
1871 following is substituted in lieu thereof (*Effective July 1, 2003*):

1872 (a) The fee for an application for a permit to erect or maintain any
1873 outdoor advertising structure, device or display shall be as follows: For
1874 each panel, bulletin, or sign containing less than three hundred square
1875 feet of advertising space, [twenty-five] fifty dollars; and for each panel,
1876 bulletin or sign containing three hundred square feet or more of
1877 advertising space, [fifty] one hundred dollars.

1878 (b) The annual fee for such permit shall be as follows: For each
1879 panel, bulletin or sign containing three hundred square feet or less of
1880 advertising space, [ten] twenty dollars; for each panel, bulletin or sign
1881 containing more than three hundred and not more than six hundred
1882 square feet of advertising space, [twenty] forty dollars; and for each
1883 panel, bulletin or sign containing more than six hundred square feet
1884 and not more than nine hundred square feet of advertising space,
1885 [thirty] sixty dollars. No sign shall be erected which contains more
1886 than nine hundred square feet of advertising space. A fee shall be paid

1887 for each side of each panel, bulletin or sign used for advertising,
1888 provided, if two panels, bulletins or signs advertising the same
1889 products or services are attached to the same support or supports, only
1890 one annual permit fee shall be paid for each side thereof and the total
1891 advertising space on each side thereof shall be used for computing the
1892 annual permit fee of each panel, bulletin or sign. The annual permit fee
1893 for any part of a year shall bear the same proportion to the annual
1894 permit fee for an entire year that the number of months in such part
1895 bears to the entire year.

1896 Sec. 99. Section 47-34a of the general statutes is repealed and the
1897 following is substituted in lieu thereof (*Effective from passage*):

1898 (a) Any person who knowingly injures, destroys, disturbs or
1899 removes any marker properly placed on any tract of land or street or
1900 highway line by a surveyor, or by any person at the direction of a
1901 surveyor, for the purpose of designating any point, course or line in
1902 the boundary of such tract of land, street or highway, shall be fined not
1903 less than [one hundred fifty] five hundred dollars nor more than [five
1904 hundred] one thousand dollars.

1905 (b) Notwithstanding the provisions of subsection (a) of this section,
1906 a surveyor licensed under chapter 391, or a person acting at the
1907 direction of any such licensed surveyor, may remove an existing
1908 marker in order to place an upgraded marker in the same location.

1909 (c) Any person who knowingly injures, destroys, disturbs or
1910 removes any monument that has been established by the National
1911 Geodetic Survey or Connecticut Geodetic Survey for use in the
1912 determination of spatial location relative to the Connecticut coordinate
1913 systems specified in section 13a-255, as amended by this act, or precise
1914 elevation datum shall be fined not less than two thousand dollars nor
1915 more than five thousand dollars.

1916 Sec. 100. (*Effective from passage*) Section 13b-37 of the general statutes
1917 and section 22 of public act 01-105 are repealed.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>
Sec. 17	<i>from passage</i>
Sec. 18	<i>from passage</i>
Sec. 19	<i>from passage</i>
Sec. 20	<i>from passage</i>
Sec. 21	<i>from passage</i>
Sec. 22	<i>from passage</i>
Sec. 23	<i>from passage</i>
Sec. 24	<i>October 1, 2003</i>
Sec. 25	<i>October 1, 2003</i>
Sec. 26	<i>October 1, 2003</i>
Sec. 27	<i>October 1, 2003</i>
Sec. 28	<i>October 1, 2003</i>
Sec. 29	<i>October 1, 2003</i>
Sec. 30	<i>October 1, 2003</i>
Sec. 31	<i>October 1, 2003</i>
Sec. 32	<i>October 1, 2003</i>
Sec. 33	<i>October 1, 2003</i>
Sec. 34	<i>October 1, 2003</i>
Sec. 35	<i>October 1, 2003</i>
Sec. 36	<i>October 1, 2003</i>
Sec. 37	<i>October 1, 2003</i>
Sec. 38	<i>July 1, 2003</i>
Sec. 39	<i>October 1, 2003</i>

Sec. 40	<i>October 1, 2003</i>
Sec. 41	<i>October 1, 2003</i>
Sec. 42	<i>October 1, 2003</i>
Sec. 43	<i>October 1, 2003</i>
Sec. 44	<i>October 1, 2003</i>
Sec. 45	<i>October 1, 2003</i>
Sec. 46	<i>October 1, 2003</i>
Sec. 47	<i>October 1, 2003</i>
Sec. 48	<i>October 1, 2003</i>
Sec. 49	<i>October 1, 2003</i>
Sec. 50	<i>October 1, 2003</i>
Sec. 51	<i>October 1, 2003</i>
Sec. 52	<i>from passage</i>
Sec. 53	<i>October 1, 2003</i>
Sec. 54	<i>October 1, 2003</i>
Sec. 55	<i>October 1, 2003</i>
Sec. 56	<i>October 1, 2003</i>
Sec. 57	<i>October 1, 2003</i>
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Sec. 74	<i>October 1, 2003</i>
Sec. 75	<i>October 1, 2003</i>
Sec. 76	<i>October 1, 2003</i>
Sec. 77	<i>October 1, 2003</i>
Sec. 78	<i>October 1, 2003</i>
Sec. 79	<i>from passage</i>
Sec. 80	<i>October 1, 2003</i>

Sec. 81	<i>October 1, 2003</i>
Sec. 82	<i>from passage</i>
Sec. 83	<i>October 1, 2003</i>
Sec. 84	<i>October 1, 2002</i>
Sec. 85	<i>October 1, 2003</i>
Sec. 86	<i>October 1, 2003</i>
Sec. 87	<i>October 1, 2003</i>
Sec. 88	<i>October 1, 2003</i>
Sec. 89	<i>October 1, 2003</i>
Sec. 90	<i>October 1, 2003</i>
Sec. 91	<i>October 1, 2003</i>
Sec. 92	<i>October 1, 2003</i>
Sec. 93	<i>October 1, 2003</i>
Sec. 94	<i>October 1, 2003</i>
Sec. 95	<i>from passage</i>
Sec. 96	<i>October 1, 2003</i>
Sec. 97	<i>from passage</i>
Sec. 98	<i>July 1, 2003</i>
Sec. 99	<i>from passage</i>
Sec. 100	<i>from passage</i>

TRA *Joint Favorable Subst. C/R*

FIN

FIN *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Transportation, Dept.	TF - Cost	19,100	2,000
Transportation, Dept.	TF - Revenue Gain	50,000	50,000

Note: TF=Transportation Fund

Municipal Impact: None**Explanation**

Sections 1 through 23 of the bill results in a cumulative cost of \$16,100 in FY 04 to the DOT as a result of renaming various bridges and roadways. A pair of signs cost \$700, one for each side of the road.

Section 24 of the bill results in a cost of \$1,000 in FY 04 to the DOT to retrofit all of its landscaping trailers with an orange triangular sign attached to the rear of each trailer.

Section 34 of the bill results in an annual cost of \$2,000 per year beginning in FY 04 to provide written notice prior to any sale of state land. The annual cost for notices on approximately 100 parcels of land is estimated at \$2,000.

Section 82 of the bill precludes a cost as a result of reducing the minimum overhead clearance over railroad tracks requirements from 20 feet, 6 inches to 17 feet, 11 inches for the replacement of Pearl Street Bridge located in Middletown. Under current law, the additional cost to facilitate replacement of the bridge is anticipated to be between \$600,000 to \$1.4 million, in order to meet the mandatory clearances. This project is being funded in part by the Federal Highway Administration under the Highway Bridge Rehabilitation and

Replacement Program (80% of funds) plus matching funds from the Town of Middletown (15%) and the State Orphan Bridge Program (5%).

Section 98 of the bill results in an annual revenue gain of \$50,000 per year beginning in FY 04 to the Transportation Fund by doubling current application and annual permit fees for outdoor advertising structures.

Sections 52 and 99 of the bill result in a potential minimal revenue gain to the Transportation Fund as a result of increasing existing fines and establishing new fines for disturbing survey monuments or markers.

The other sections of the bill are technical in nature and do not have a fiscal impact.

OLR Bill Analysis

sHB 6404

**AN ACT CONCERNING THE DEPARTMENT OF
TRANSPORTATION****SUMMARY:**

This bill:

1. authorizes changeable message outdoor advertising signs with certain characteristics and doubles current fees for Department of Transportation (DOT) outdoor advertising sign permits;
2. allows someone affiliated with any program receiving federal or state funds for welfare-to-work related transportation who operates a Connecticut-registered motor vehicle for the purpose of transporting program participants to charge a “minimal” fee for transportation to and from the employment location without getting a DOT livery license or permit;
3. establishes a fine for knowingly injuring, destroying, removing, or disturbing monuments established by the national or Connecticut geodetic surveys used for the Connecticut coordinate system, increases the fine for such acts with respect to surveyors’ property markers, and includes in the latter offense such acts when done to surveyors’ markers for street or highway lines;
4. requires the DOT commissioner to notify the local state legislators within one year from the date he has determined that property previously acquired in a municipality they represent is no longer required for highway purposes and will be disposed of according to state law governing surplus state property;
5. allows DOT to replace the Pearl Street Bridge over the railroad tracks in Middletown with a new bridge that has a minimum overhead clearance over the tracks of 17 feet, 11 inches, instead of the 20-foot, six inch minimum clearance that state law would otherwise require;
6. specifies that the 43-foot maximum distance between the kingpin

and the rearmost axle on a 53-foot trailer that allows it to be legally operated on designated state highways is measured from the kingpin to the rearmost axle that is actually in contact with the ground;

7. reduces the Operation Lifesaver Committee membership by two, provides that the remaining four members serve by the unanimous consent of the three state commissioners who serve on the committee instead of by appointment by legislative leaders, and determines that any member absent from three consecutive meetings or one-half of all meetings in a calendar year is deemed to have resigned from the committee;
8. requires any vehicle used for landscaping purposes that has a caged trailer to display an orange triangular caution sign on the rear of the trailer;
9. designates commemorative or memorial names for 14 state highway segments, eight bridges, and one tunnel;
10. repeals an obsolete statutory reference to the DOT commissioner participating in motor carrier regulatory hearings before the Department of Public Utilities Control (This regulatory authority was transferred to the DOT in 1988.); and
11. makes numerous technical changes.

EFFECTIVE DATE: Upon passage except (1) the changeable message sign and outdoor advertising structure permit fee provisions are effective July 1, 2003 and (2) the slow moving vehicle warning sign and legislator notification provisions and the technical changes are effective October 1, 2003.

CHANGEABLE MESSAGE ADVERTISING SIGNS AND DOT PERMIT FEES

Changeable Message Signs

The bill allows outdoor advertising signs that may legally be within 660 feet of a state highway right-of-way to display a changing message board produced by electronic or mechanical means or by remote control as long as (1) the static display lasts at least six seconds, (2) the

message change occurs with all moving parts or illumination moving or changing simultaneously over a period of three seconds or less, and (3) the message has no illumination that moves, appears to move, or changes intensity during the static display period of the message.

Outdoor Advertising Structure Permit Fees

The bill doubles current fees for DOT outdoor advertising structure permits.

1. The application fee for a panel that is less than 300 sq. ft. increases from \$25 to \$50.
2. The application fee for a panel that is 300-900 sq. ft. increases from \$50 to \$100.
3. The annual permit fee for a panel that is 300 sq. ft. or less increases from \$10 to \$20.
4. The annual permit fee for a panel that is 301-600 sq. ft. increases from \$20 to \$40.
5. The annual permit fee for a panel that is 601-900 sq. ft. increases from \$30 to \$60.

DAMAGING, REMOVING, OR DISTURBING SURVEYORS' MARKERS AND SURVEY MONUMENTS

The bill prohibits knowingly injuring, destroying, disturbing, or removing any monument established by the National Geodetic Survey or Connecticut Geodetic Survey for use in determining spatial locations under the Connecticut coordinate system or precise elevation data. It establishes a fine of \$2,000 to \$5,000 for such acts.

The bill increases the fine for such acts when done to any surveyors' property line markers from a \$150 to \$500 fine to a \$500 to \$1,000 fine. It also includes such acts done to surveyors' markers that delineate street or highway lines in the prohibition.

KINGPIN TO REAR AXLE DISTANCE FOR 53-FOOT TRAILERS

By law, the maximum length of the semitrailer portion of a tractor-trailer unit is 48 feet, except that trailers up to 53 feet in length may be

operated legally on designated state routes as long as the distance between the kingpin (the articulation point where the semitrailer attaches to the tractor) and the rearmost axle is not more than 43 feet. The bill specifies that this kingpin-to-rear-axle distance must be determined based on the rearmost axle that is actually in contact with the road. (Some trailers are equipped with a liftable rear axle that is only used when it is required for proper weight distribution. Under the bill, this lift axle would only be used to determine the maximum distance when it is actually in the lowered position and being used.)

OPERATION LIFESAVER COMMITTEE

The Operation Lifesaver Committee is established by law to administer and operate the Operation Lifesaver Program and conduct related activities. The program is aimed at reducing the number of accidents at rail-highway crossings and increasing public awareness of rail crossing hazards.

Currently, the committee consists of the transportation, education, and public safety commissioners, or their designees, and six members appointed by the six legislative leaders. Of the six appointed members, two represent civic organizations, one represents the railroad industry, one represents a local parent-teacher organization, one represents a local law enforcement organization, and one is a local government official. The bill (1) reduces the appointed membership from six to four by eliminating the two representatives of civic organizations, (2) replaces the legislative leaders as the appointing authority with the three commissioners or their designees acting with unanimous consent, and (3) determines that any member absent from three consecutive meetings or one-half of all meetings in a calendar year has resigned from the committee, effective on the date the committee chairperson notifies the member.

COMMEMORATIVE AND MEMORIAL NAMES

The bill repeals the designation of the new terminal at Bradley International Airport as the "Robert F. Juliano Terminal Building" and, instead, names Special Service Road 403 in Windsor Locks between the eastern and western junctions of Special Service Road 401 as the "Robert F. Juliano Highway."

The bill names 13 other highway segments, eight bridges, and one tunnel as follows:

1. Route 40 in Hamden from the North Haven-Hamden town line to the junction of Route 10 in Hamden as the “Edward Armeno Memorial Highway”;
2. Route 796 in Milford, currently known as the “Milford Parkway Connector”, as the “Daniel S. Wasson Connector”;
3. Route 142 in Branford from the junction of Route 1 to Double Bench Road as the “William E. Keish, Jr. Memorial Highway”;
4. Route 349 in Groton as the “William J. Snyder, Sr. Memorial Highway”;
5. Route 101 between the towns of Abington and East Killingly as the “Leif Erickson Highway”;
6. Route 15 through Derby, Ansonia, and Seymour as the “Veteran’s Memorial Highway”;
7. Route 174 in Newington from Route 173 east to Route 176 as the “Francis Kochanowicz Memorial Highway”;
8. Route 173 in West Hartford from the Newington-West Hartford town line to the junction of State Road 529 as the “Roger Fissette Hannon-Hatch VFW Post 9929 Memorial Highway”;
9. Route 69 in Waterbury from Washington Street to East Street as the “Officer Walter T. Williams III Memorial Highway”;
10. Route 69 in Waterbury from East Street to State Road 844 as the “Officer Bruce Hanley Memorial Highway”;
11. Route 314 from State Road 543 to Jordan Lane in Wethersfield as the “Antranig Ozanian Memorial Highway”;
12. Special Service Road 411 from Route 3 to Route 99 in Rocky Hill as the “Nicholas LaRosa Memorial Highway”;
13. Route 130 in Bridgeport from the Fairfield town line to the Stratford town line as the “Alvin W. Penn Memorial Highway”;

14. the “bridge over the Saugatuck River” in Westport as the “Ruth Steinkraus Cohen Memorial Bridge” (there are several bridges over the Saugatuck River in Westport, it is not clear to which bridge the bill refers);
15. Footbridge No. 827OR over the railroad tracks in Seymour as “Kisson’s Crossing”;
16. Bridge No. 1751 over Quaker Lane and Trout Brook on I-84 in West Hartford as “The 76th Division Memorial Bridge”;
17. Bridge No. 00233 on Route 166 passing over I-95 in Old Saybrook as the “Rosario J. Aloisio Memorial Bridge”;
18. Bridge No. 00024 passing over I-95 at Wilson Avenue in Stamford as the “Stamford Firefighters L786 World Trade Center Memorial Bridge”;
19. Bridge No. 02430 passing over Fenn Brook on Route 67 in Roxbury as the “Hurlbut Bridge”;
20. Bridge No. 01747 passing over I-84 on Route 173 in West Hartford as the “Thomas DeAngelis Memorial Bridge”;
21. Bridge No. 1748 on Mayflower Road passing over I-84 in West Hartford as the “Joseph Lenihan Memorial Bridge”; and
22. Bridge No. 007773, commonly known as the “West Rock Tunnel” as the “Hero’s Tunnel.”

BACKGROUND

Minimum Overhead clearance Requirements for Bridges over Railroad Tracks

By law, any structure constructed over railroad tracks must have a minimum overhead clearance above the tracks of 20 feet, six inches, or, if it crosses track where trains are powered by overhead electrical wires, a minimum clearance of 22 feet, six inches. However, if construction involves only deck replacement or minor widening and the existing piers or abutments remain in place, the minimum overhead clearance can be the structure’s existing clearance. Any

construction at other than these mandatory clearances must be approved by legislative act. Proposed legislation granting an exemption to these requirements must be accompanied by a DOT statement identifying the impact of raising the bridge to the statutory clearance heights; the estimated costs of doing this, and an assessment, including costs, of the feasibility of increasing the clearance by undercutting at least one track or by a combination of undercutting and raising the bridge to meet the statutory requirement.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute Change of Reference

Yea 26 Nay 0

Finance, Revenue and Bonding Committee

Joint Favorable Report

Yea 42 Nay 0